S. HRG. 98-977

MISCELLANEOUS RESOLUTION, CONVEYANCES, TRAIL STUDY DESIGNATIONS, CEILING INCREASE AND BOUNDARY ADJUSTMENTS IN UNITS OF THE NATIONAL PARK SYSTEM AND ON PUBLIC LANDS

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS AND RESERVED WATER

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

S.J. Res. 277, S. 648, S. 1859, S. 1889, S. 2015, H.R. 3825, S. 1995, S. 2036, S. 2082, S. 2136, S. 2331, H.R. 4596, S. 1695, H.R. 3787

MAY 22, 1984

Printed for the use of the
Committee on Energy and Natural Resources

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JAMES A. McCLURE and J. BENNETT JOHNSTON are Ex Officio Members of the Subcommittee
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MISCELLANEOUS RESOLUTION, CONVEYANCES, TRAIL STUDY DESIGNATIONS, CEILING INCREASES AND BOUNDARY ADJUSTMENTS IN UNITS OF THE NATIONAL PARK SYSTEM AND ON PUBLIC LANDS

TUESDAY, MAY 22, 1984

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 2 p.m., in room SD–366, Dirksen Office Building, Hon. Malcolm Wallop, presiding.

Present: Senators Wallop and Domenici.

Also present: Tony Bevinetto, professional staff member; and Thomas B. Williams, professional staff member for the minority.

OPENING STATEMENT OF HON. MALCOLM WALLOP, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator WALLOP. The subcommittee will come to order. This afternoon the Subcommittee on Public Lands and Reserved Water will hear testimony on a number of bills dealing with land exchanges, conveyances, acquisitions, monuments, commemoratives, and national trail studies. Without objection, I will place a copy of each of the hearing bills into the record.

The hearing record will remain open for 2 weeks after today during which the written testimony on any of these measures can be submitted to the subcommittee.

We have a number of Senators and Congressmen who wish to testify on bills in which they have high interest, or which they have sponsored, and I think those are probably synonymous. Due to their busy schedules, Senators and Congressmen will be heard as they appear. I ask the indulgence of other witnesses if it becomes necessary to change the order of the testimony to accommodate the Members.

Because of the large number of bills we will discuss today, I would ask witnesses to limit their oral testimony to 5 minutes each. The entire statements will be inserted into the record as if delivered in their entirety and additional written comments may be provided, and the entire collection of testimony shall be included in the record.

Senator Thurmond was scheduled to be the first witness. He is the chairman of the Judiciary Committee and they have on the floor right now the bankruptcy legislation. He has asked me if I would insert in the record his statement as if delivered, and I will.

I have a statement from Senator Hart regarding the Black Canyon of the Gunnison National Monument. I have a statement from Senator Armstrong on H.R. 3825 and S. 2015 dealing with the same subject. I have a statement by Senator Alan Cranston in support of S. 1695 and S. 2136. A statement by Senator Jake Garn on S. 2036, and he would like to have a statement by the Honorable Peter Knudson, mayor of Brigham City, UT, on the same subject inserted into the record, which we will do now. A statement of Congressman Shumway on H.R. 3787, and a statement by Congressman Horton in support of S. 2331.

[The material referred to follows:]

II

98TH CONGRESS
2D SESSION

S. J. RES. 277

To authorize the Armed Force Monument Committee, the United States Armor Association, the World Wars Tank Corps Association, the Veterans of the Battle of the Bulge, and the 1st, 4th, 8th, 9th, 11th, 14th, and 16th Armored Division Associations jointly to erect a memorial to the "American Armored Force" on United States Government property in Arlington, Virginia, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 24, 1984

Mr. THURMOND (for himself, Mr. WARNER, and Mr. TRIBLE) introduced the following joint resolution; which was read twice and referred to the Committee on Energy and Natural Resources

---

JOINT RESOLUTION

To authorize the Armed Force Monument Committee, the United States Armor Association, the World Wars Tank Corps Association, the Veterans of the Battle of the Bulge, and the 1st, 4th, 8th, 9th, 11th, 14th, and 16th Armored Division Associations jointly to erect a memorial to the "American Armored Force" on United States Government property in Arlington, Virginia, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Armed Force Monument Committee, the United States Armor Association, the World Wars Tank Corps As-

sociation, the Veterans of the Battle of the Bulge, and 1st, 4th, 8th, 9th, 11th, 14th, and 16th Armored Division Associations are authorized jointly to erect a memorial on United States Government property in Arlington, Virginia. Any such memorial shall be erected for the purpose of honoring and commemorating the "American Armored Force", including the members of such organizations and others who have served in armored units of the Armed Forces of the United States during World War I or World War II or in and near Korea or Vietnam, and the members of the Armed Forces who continue to serve with exceptional professionalism to maintain ~~peace~~ worldwide.

SEC. 2. (a)(1) The Secretary of the Interior shall select, with the approval of the national Commission of Fine Arts and the National Capital Planning Commission, a suitable site on United States Government property in Arlington, Virginia upon which may be erected the memorial authorized in the first section. The Secretary of the Interior shall, if practicable and appropriate, select a site between the Arlington Memorial Bridge and the entrance to the Arlington National Cemetery and beside Memorial Drive.

(2) If the site selected is within the boundaries of the Arlington National Cemetery, the approval of the Secretary of the Army shall be obtained.

(b) The design and plans for the memorial shall be subject to the approval of the Secretary of the Interior, the national Commission of Fine Arts, and the National Capital Planning Commission.

(c) The United States Government shall not incur any expense in connection with designing, planning, or erecting the memorial except expenses required to carry out the responsibilities set out in this section and sections 3 and 4.

SEC. 3. The authority conferred pursuant to this joint resolution shall lapse unless (1) the erection of the memorial is commenced within five years after the date of enactment of this joint resolution and (2) prior to its commencement, the Secretary of the Interior has received an appropriate certification that funds are available in an amount sufficient, in the judgment of the Secretary, to insure completion of the memorial.

SEC. 4. The maintenance and care of any memorial erected under the provisions of this joint resolution shall be the responsibility of the Secretary of the Interior.

○

II

98TH CONGRESS
1ST SESSION

S. 648

To facilitate the exchange of certain lands in South Carolina.

IN THE SENATE OF THE UNITED STATES

MARCH 2 (legislative day, FEBRUARY 23), 1983

Mr. THURMOND introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To facilitate the exchange of certain lands in South Carolina.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no charge shall be made under section 10(e) of the Federal Power Act (16 U.S.C. 803(e) (1976)) for the use of any interest of the United States in lands lying within the boundary of the South Carolina Public Service Authority's Santee-Cooper hydroelectric project (Federal Energy Regulatory Commission licensed project numbered 199) which pursuant to a Commission determination under section 24 of the Federal Power Act (16 U.S.C. 818 (1976)) are hereafter conveyed by the United States directly to the licensee for that project subject to the power reservation in said section 24, if

the head of the Federal agency conveying the lands advises the Commission that it has received adequate consideration in lieu of annual charges.

○

II

98TH CONGRESS
1ST SESSION

S. 1859

For the transfer of certain interests in lands in Dona Ana County, New Mexico, to New Mexico State University, Las Cruces, New Mexico.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20 (legislative day, SEPTEMBER 19), 1983

Mr. DOMENICI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

For the transfer of certain interests in lands in Dona Ana County, New Mexico, to New Mexico State University, Las Cruces, New Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to valid existing rights and except as provided in section 2, the Secretary of the Interior is authorized and directed to convey to the New Mexico State University, Las Cruces, New Mexico, at no cost, all right, title, and interest of the United States in and to the following described public lands aggregating approximately 5,711.39 acres in Dona Ana County, New Mexico, to be used for the purpose of conducting educational, demonstrative, and experimental devel-

opment with livestock, grazing methods, and range forage plants and other agricultural related research:

NEW MEXICO PRINCIPAL MERIDIAN

Township 20 South, Range 1 East

Secs. 16, 32, and 36 all.

Township 21 South, Range 1 East

Sec. 2, and 16 all.

Township 20 South, Range 1 West

Sec. 2, and 16 all;

Sec. 26, north half northeast quarter, northeast quarter northwest quarter;

Sec. 32, north half, north half southwest quarter, north half southeast quarter, southeast quarter; and

Sec. 36, all.

SEC. 2. There are reserved to the United States all minerals that may be found in the lands described in the first section, together with the right of the United States, its permittees, lessees, or grantees, at any time, to prospect for, mine and remove such minerals.

SEC. 3. In the event that the lands described in the first section, or any part thereof, are used for any purpose other than those for which conveyance is authorized, title to the entire tract shall immediately revert to the United States without the necessity for further action to accomplish the reversion of title to the United States.

○

II

98TH CONGRESS
1ST SESSION

S. 1889

To amend the Act authorizing the establishment of the Congaree Swamp National Monument to provide that at such time as the principal visitor center is established, such center shall be designated as the "Harry R. E. Hampton Visitor Center".

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27 (legislative day, SEPTEMBER 26), 1983

Mr. THURMOND introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To amend the Act authorizing the establishment of the Congaree Swamp National Monument to provide that at such time as the principal visitor center is established, such center shall be designated as the "Harry R. E. Hampton Visitor Center".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act approved October 18, 1976 (90 Stat. 2517), is amended by adding at the end the following new subsection:

"(c) At such time as the principal visitor center at such monument is established, such center shall be designated as the "Harry R. E. Hampton Visitor Center".

○

II

98TH CONGRESS
1ST SESSION

S. 2015

To establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 27 (legislative day, OCTOBER 24), 1983

Mr. HART introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITIONS

SECTION 1. For the purposes of this Act—

(1) the term "monument" refers to the Black Canyon of the Gunnison National Monument located in Montrose County, Colorado; and

(2) the term "Secretary" refers to the Secretary of the Interior.

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the Black Canyon of the Gunnison National Monument has been and remains an integral and important part of the national park system;

(2) the integrity of this valuable resource is significantly threatened by encroaching development activity on adjacent private lands; and

(3) the monument has no legislatively established boundary.

(b) The purpose of this Act is to—

(1) establish a boundary for the monument in order to insure the preservation and integrity of a valuable national resource; and

(2) require the Secretary to acquire all land within the boundary not now under his supervision.

SEC. 3. (a) The boundary of the monument shall be as generally depicted on the map entitled "Boundary Map, Black Canyon of the Gunnison National Monument," dated August 1, 1983, and numbered 80,013, which shall be on file and available for public inspection in the Office of the Director, National Park Service, Department of the Interior, and in the office of the superintendent, Black Canyon of the Gunnison National Monument.

37-843 O - 84 - 2

(b) Not later than six months after the date of enactment of this Act, the Secretary shall file a legal description of the revised boundary with the Committee on Energy and Natural Resources of the Senate and with the Committee on Interior and Insular Affairs of the House of Representatives. Such legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description (and in the map referred to in subsection (a)) may be made.

SEC. 4. (a) The Secretary is authorized and directed to acquire all lands and interest therein within the boundary of the monument. The Secretary shall acquire less than fee interests in such lands in all cases where such interest will adequately protect the visual, natural, historic, or cultural resources of the monument, except that the Secretary shall acquire lands in fee if requested by the owner of such land or if the Secretary determines fee acquisition is required to protect the above-mentioned resources or is required for administrative or development purposes.

(b) All lands under the administrative jurisdiction of the Secretary within the boundary of the monument as of the date of the enactment of this Act shall be transferred to the administrative jurisdiction of the National Park Service to be administered as a part of the monument.

(c) Upon request by a landowner, and if determined by the Secretary to be compatible with the visual integrity of the monument, the Secretary shall permit as a condition of the acquisition of any less than fee interest in land under this Act—

(1) livestock grazing to continue at levels and locations exercised by the owner of such land prior to August 1, 1983; and

(2) commonly accepted operation and maintenance practices supporting livestock grazing to continue to be allowed, including maintenance of domestic livestock, and agricultural water conveyance systems, and construction and maintenance of required fencing and stock ponds.

(d) Subject to valid existing rights, federally owned lands and interests therein within the monument are withdrawn from entry or appropriation under the mining laws of the United States, from operation of the mineral leasing laws of the United States, from operation of the Geothermal Steam Act of 1970, and from disposition under the public land laws.

SEC. 5. The Secretary shall administer the monument in accordance with the provisions of this Act and the provisions of law generally applicable to units of the National Park

Service including the Acts of August 26, 1916 (39 Stat. 535), and August 21, 1935 (49 Stat. 666).

SEC. 6. Effective October 1, 1984, there is hereby authorized to be appropriated to the Department of the Interior such sums as may be necessary to carry out the provisions of this Act.

○

II

98TH CONGRESS
2D SESSION

H. R. 3825

IN THE SENATE OF THE UNITED STATES

MARCH 6 (legislative day, MARCH 5), 1984

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) The Congress finds that—

(1) the Black Canyon of the Gunnison National Monument (hereafter in this Act referred to as the "Monument") is an integral and widely recognized part of the national park system, and possesses outstanding recreational opportunities and natural characteristics of high value which, if properly managed, contribute as an enduring resource for the benefit of the American people;

(2) the preservation of these valuable resources is significantly threatened by increased development activity and the subdivision of adjacent private lands;

(3) the Monument does not have a boundary established by legislation; and

(4) it is in the best interest of the United States to establish the boundary of the Monument so as to encompass the lands described as being within the Monument and those private lands posing the most immediate threat to the visual quality of the area.

(b) The purpose of this Act is to establish a boundary for the Monument in order to promote, perpetuate, and preserve the character of the land and to preserve scenic and historic resources.

SEC. 2. (a) The boundary of the Monument shall be as generally depicted on the map entitled "Boundary Map, Black Canyon of the Gunnison National Monument", dated February 1984, and numbered 144–80,010–B, which shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior and in the office of the Park Superintendent, Black Canyon of the Gunnison Natıcnal Monument.

(b) Not later than six months after the date of enactment of this Act, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall file a legal descrip-

tion of the revised boundary with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this Act, except that corrections of clerical and typographical errors in such legal description (and in the map referred to in subsection (a)) may be made. Such legal descriptions shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior.

SEC. 3. (a) The Secretary is authorized and directed to acquire lands or interests therein within the boundary of the Monument by donation, exchange in accordance with this Act or other provisions of law, or purchase with donated or appropriated funds. The Secretary shall acquire less than fee interests in such lands in all cases where such interest will adequately protect the visual quality, natural, or cultural resources of the Monument: *Provided,* That the Secretary shall not acquire lands in fee interest unless the owner of such land concurs with such action.

(b) All lands under the administrative jurisdiction of the Secretary within the boundary of the Monument as of the date of enactment of this Act, shall be transferred to the administrative jurisdiction of the National Park Service to be administered as a part of the Monument.

(c) Upon request by a landowner, and if determined by the Secretary that such action would not be detrimental to the visual resources of the Monument, the Secretary shall permit as a condition of the acquisition of any less than fee interest in land under this Act—

(1) livestock grazing to continue at the levels and locations customarily exercised by the owner of such land prior to August 1, 1983, and

(2) commonly accepted operation and maintenance practices supporting livestock grazing to continue to be allowed, including the maintenance of domestic, livestock and agricultural water conveyance systems, and the construction and maintenance of required fencing and stock ponds.

(d) Subject to valid existing rights, federally owned lands and interests therein within the Monument are withdrawn from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, from operation of the Geothermal Steam Act of 1970, and from disposition under the public land laws.

SEC. 4. The Secretary shall administer the Monument in accordance with the provisions of this Act and the provisions of law generally applicable to units of the National Park

Service including the Acts of August 25, 1916 (39 Stat. 535), and August 21, 1935 (49 Stat. 666).

SEC. 5. Effective October 1, 1984, there is hereby authorized to be appropriated to the Department of the Interior such sums as may be necessary to carry out the provisions of this Act.

Passed the House of Representatives March 5, 1984.

Attest: BENJAMIN J. GUTHRIE,

Clerk.

II

98TH CONGRESS
1ST SESSION

S. 1995

To provide for the conveyance of certain mineral interests of the United States in property in Louisiana to the record owners of the surface of that property.

IN THE SENATE OF THE UNITED STATES

OCTOBER 25 (legislative day, OCTOBER 24), 1983

Mr. JOHNSTON introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To provide for the conveyance of certain mineral interests of the United States in property in Louisiana to the record owners of the surface of that property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall convey to those persons who, on the date of enactment of this Act, are the record owners of the surface rights thereof, or to the heirs, successors, or of such person or persons, all mineral interests reserved to the United States in and to the immovable property consisting of five and fifty-six one-hundredths acres and more particularly described in section 2 of this Act.

SEC. 2. The immovable property referred to in the first section of this Act is situated in Lafourche Parish, Louisiana, and is more particularly described as follows: All of Louisiana meridian, Louisiana, township 15 south, range 16 east, section 153, containing approximately five and fifty-six one-hundredths acres.

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II

98TH CONGRESS
1ST SESSION

S. 2036

To require the Secretary of the Interior to convey to the city of Brigham City, Utah, certain land and improvements in Box Elder County, Utah.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1 (legislative day, OCTOBER 31), 1983

Mr. GARN (for himself and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To require the Secretary of the Interior to convey to the city of Brigham City, Utah, certain land and improvements in Box Elder County, Utah.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719), when the Secretary of the Interior ceases to use the land described in subsection (b) for Indian school purposes he shall convey, by quitclaim deed and without consideration, to the city of Brigham City, Utah, all right, title, and interest of the United States in and to such land, including any improvements thereon.

(b) The real property to be conveyed under subsection (a) is located in Box Elder County, Utah, and is described as follows:

Part of the northwest quarter section 30 township 9 north, range 1 west, Salt Lake base line and meridian, and part of the east half section 25, and the southeast quarter section 24 township 9 north, range 2 west, Salt Lake base line and meridian.

Beginning at a point of record on the west boundary of a parcel of land deeded to Brigham City Corporation in April 1983. Said point being east 410.02 feet; south 15.52 feet; and south 0 degree 11 minutes 40 seconds west 511.91 feet from the northwest corner of section 30. Said point being further described as the southeast property corner of a parcel of land deeded to Box Elder County School District February of 1959 and recorded in book 123 page 450 of county records;

thence southerly along the westerly boundary of said city property the following seven courses: south 9 degrees 04 minutes 31 seconds west 627.78 feet; south 00 degrees 13 minutes 25 seconds west 748.53 feet; south 88 degrees 24 minutes 03 seconds west 623.38 feet; south 1 degree 38 minutes 23 seconds west 733.60 feet; south 61 degrees 29 minutes 28 seconds west 169.97 feet; south 89 degrees 36 minutes 03 sec-

onds west 849.77 feet; south 73 degrees 31 minutes 13 seconds west 611.20 feet to the north boundary of a parcel of land deeded to Brigham City Corporation May 1977 and recorded in book 292 page 503 of county records;

thence north 89 degrees 56 minutes 56 seconds east (record north 89 degrees 56 minutes 00 seconds west) 648.59 feet to the easterly right-of-way of Highway 89–91 (Main Street);

thence northerly along easterly right-of-way of said highway 3,022.95 feet to the southerly right-of-way of 700 South Street;

thence south 88 degrees 25 minutes 11 seconds east 2,225.92 feet along the southerly right-of-way of said street, to the northwest property corner of said Box Elder County School District property;

thence south 00 degrees 11 minutes 40 seconds west (record south 00 degrees 19 minutes 30 seconds east) 578.85 feet to the southwest corner of said property;

thence south 89 degrees 48 minutes 20 seconds east (record north 89 degrees 40 minutes 30 seconds east) 756.76 feet to point of beginning. Containing 169.26 acres more or less.

SEC. 2. (a) Notwithstanding section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719), the Secretary of the Interior shall, in addition to the property conveyed in the first section, convey by quitclaim deed and without consideration, to the city of Brigham City, Utah, all right, title, and interest of the United States in and to the real property described in subsection (b), including any improvements thereon.

(b) The real property to be conveyed under subsection (a) is located in Brigham City, Box Elder County, Utah, and is described as follows:

Part of the northwest quarter of section 30, township 9 north, range 2 west, Salt Lake base line and meridian.

Beginning at a point on the north line of section 30, said point being north 89 degrees 30 minutes 00 seconds east 410.46 feet from the northwest corner of said section, thence north 89 degrees 30 minutes 00 seconds east 1,224.24 feet along the section line to the westerly right-of-way line of Weber-Box Elder Canal;

thence south 30 degrees 32 minutes 00 seconds east along said right-of-way 69.41 feet to a point referred to in book 369 page 578 of county records as the southeast corner of Brigham City Corporation property;

5

thence south 89 degrees 30 minutes 00 seconds west 350.0 feet being further described of record as north 89 degrees 54 minutes 32 seconds west 350.0 feet;

thence north 86 degrees 59 minutes 34 seconds west 711.18 feet being further described of record as north 86 degrees 24 minutes 06 seconds west 711.18 feet;

thence south 89 degrees 30 minutes 00 seconds west 199.18 feet to school board's east property line being further described of record as north 89 degrees 54 minutes 32 seconds west 192.39 feet;

thence north 00 degrees 19 minutes 30 seconds west 16.58 feet, to point of beginning containing 1.14 acres more or less.

○

II

98TH CONGRESS
1ST SESSION

S. 2082

To identify, commemorate, and preserve the legacy of historic landscapes of Frederick Law Olmsted, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 10 (legislative day, NOVEMBER 7), 1983

Mr. MOYNIHAN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To identify, commemorate, and preserve the legacy of historic landscapes of Frederick Law Olmsted, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Olmsted Historic Landscapes Act".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress finds and declares that—

(1) Frederick Law Olmsted, Senior, was the premier American landscape architect during the nineteenth and early twentieth centuries and is considered

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the father of landscape architecture in the United States;

(2) Olmsted's philosophy and designs influenced the development of landscapes throughout the Nation, including national, State and local parks, forests, parkways, college campuses, cities and planned communities, and publicly and privately owned estates, institutions, cemeteries, and recreation areas;

(3) Olmsted's sons, associates, and professional descendents carried out his philosophy and designs well into the twentieth century and, coupled with the achievements of Olmsted himself, have left a tremendous legacy of historic landscapes and a philosophy that continues to benefit the American people and people throughout the world;

(4) Olmsted's social responsibility, ecological sensitivity, and landscape design creativity have inspired the development of large urban parks for public benefit in urban areas throughout the United States, creating a legacy of parks which today constitute a singular feature of the urban experience and serve as an inspiration for park and recreation work;

(5) age, overuse, deteriorating infrastructure, inadequate maintenance, and inappropriate developments threaten these historic landscapes and many may be

damaged or destroyed without a coordinated program to protect them;

(6) although voluntary, private efforts have been initiated to identify, commemorate, restore, and preserve the Olmsted legacy, the enormity and complexity of the task and the diverse ownerships of the sites throughout the country require the assistance and cooperation of all levels of government and the leadership and support of the Federal Government; and

(7) existing Federal programs relating to parks, recreation, and historic preservation can be better coordinated and more effectively utilized to preserve the Olmsted legacy for the use and enjoyment of present and future generations.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "Secretary" means the Secretary of the Interior.

(2) "Olmsted" includes Frederick Law Olmsted, Senior, his sons and associates (including such designers as Calvert Vaux and Warren Manning).

(3) "State outdoor recreation liaison officer" means the State officer designated as such under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4—460l–11);

(4) "Olmsted historic landscape" includes any Olmsted-designed landscape, park, forest, parkway, college campus, planned community, estate, institution, cemetery, or recreation area (including, on a case by case basis, Olmsted-influenced sites identified by the Advisory Committee established under section 8);

(5) "inventory" means the inventory of Olmsted historic landscapes prepared under section 4; and

(6) "documentation" includes blueprints, drawings, photographs and other available records.

As used in this Act, the terms "preservation", "State historic preservation officer", "State", and "local government" have the same meaning as when used in the National Historic Preservation Act (16 U.S.C. 470–470t).

INVENTORY

SEC. 4. (a)(1) The Secretary, acting through the Director of the National Park Service, shall prepare an inventory of Olmsted historic landscapes. The Secretary shall publish notice in the Federal Register of each item included in the inventory and shall also submit notice of such inclusion to the Congress. Not less than one-third of the inventory shall be completed within three years after the date of the enactment of this Act, not less than two-thirds within five years of enactment of this Act, and the remainder within seven years of enactment of this Act.

(2) The inventory shall be prepared in consultation with the Advisory Council on Historic Preservation, and with participation of State historic preservation officers, State outdoor recreation liaison officers, organizations representing local elected officials and local governments, concerned private and public organizations, academic institutions, professional associations, and interested individuals. In the preparation of the inventory, the Secretary shall use existing data, to the maximum extent possible.

(b) The inventory shall be compiled on State-by-State basis. Copies shall be deposited in the Library of Congress and access provided at the Frederick Law Olmsted National Historic Site, Massachusetts, at National Park Service regional offices, and at appropriate State offices.

(c) For each Olmsted historic landscape the inventory shall include at least the following—

(1) a description of the landscape's location and history of ownership;

(2) documentation on the design intention of the landscape, including its purpose, philosophical base, social and physical aspects;

(3) documentation on the means by which the design intention was carried out, including horticulture, mechanical aspects (such as topographical alternations,

roads, drainage, sewage systems, and structures), and other means;

(4) documentation of the current status and condition of the landscape;

(5) documentation of changing circumstances which could adversely affect the landscape (including potential incompatible developments and physical, social, and biological alterations) and recommendations for alleviating those adverse effects;

(6) evaluation of the landscape's physical or philosphical influence on other sites and landscape designs;

(7) an evaluation of the landscape's national and international significance, if any; and

(8) specific criteria for preservation of the landscape to assure safeguarding of its historic integrity.

(d)(1) All properties on the inventory prepared under this section shall be part of an Olmsted historic landscape system. Any property identified in such inventory as nationally significant by a State historic preservation officer or State outdoor recreation liaison officer shall be studied by the Secretary for possible designation as a national landmark and, if internationally significant, for the World Heritage List.

(2) Any property on the inventory which meets the criteria for the National Register of Historic Places shall be determined eligible for the National Register and, following the procedures in the National Historic Preservation Act, nominated within two years by the appropriate nominating authority for listing on the National Register.

(3) The inventory shall be periodically updated by the Secretary (but not less frequently than every ten years) after the consultation and participation referred to in section 4(a)(2). Summaries of any changes in the inventory shall be printed for public distribution.

FEDERAL ASSISTANCE

SEC. 5. (a) The Secretary of the Interior shall—

(1) in consultation with Advisory Council on Historic Preservation, promulgate general standards for preservation of historic landscapes (including but not limited to Olmsted historic landscapes);

(2) provide technical assistance to other Federal agencies, State and local governments, private organizations and interested individuals, on the identification, commemoration, and preservation of Olmsted historic landscapes;

(3) conduct and submit to Congress, within three years after the enactment of this Act, a thematic study of historic landscapes to identify landscapes (other than

Olmsted historic landscapes) which would qualify as national historic landmarks and to make findings and recommendations regarding their status and the need for any special assistance, including funding, maintenance, or capital investment needs;

(4) establish a compatible program for the use of the Frederick Law Olmsted National Historic Site, Massachusetts, as a center for research, fellowships, and related activities, and establishment of an appropriate advisory committee for the site; and

(5) develop appropriate international activities related to Olmsted historic landscapes.

The study under paragraph (3) shall be conducted in consultation with State historic preservation officers and other concerned individuals and organizations.

(b) The Secretary shall take such steps as may be necessary to provide for, and encourage, the coordination of applications for grants from the historic preservation fund, land and water conservation fund, and the urban park and recreation recovery program for the preservation of Olmsted historic landscapes.

(c) Each State and local government to which Federal funds are made available may use such funds for the preservation of any inventc. _ Olmsted historic landscape, subject to the requirements for meeting the Secretary's standards

under paragraph (1) and the specific criteria for preservation of the landscape under section 4(b)(8) and except to the extent other legislation expressly provide otherwise.

PUBLIC AND PRIVATE COOPERATION

SEC. 6. (a) The Secretary (and State and local governments receiving assistance under this Act) shall—

(1) provide for maximum public participation in all aspects of the program established under this Act, including the identification, commemoration, and preservation of any Olmsted historic landscape;

(2) assist local initiatives and encourage joint projects and the use of volunteers and internships at all levels of government and in the private sector;

(3) encourage projects that will leverage increased private support; and

(4) coordinate activities with other public and private agencies, institutions, and organizations.

(b) The Secretary may enter into contracts and cooperative agreements with States, local governments, corporations, associations, nonprofit organizations, and other institutions to carry out the purposes of this Act.

COMMEMORATION

SEC. 7. In order to commemorate the Olmsted achievements and influence on American life, the Secretary, in consultation with the Librarian of Congress, the Secretary of the

Smithsonian Institution and the Advisory Council on Historic Preservation, and with participation of other government agencies, concerned public and private organizations, academic institutions, professional associations, and interested individuals shall conduct appropriate activities during the decade of 1985 to 1995, including—

(1) the conduct of a study on the influence of Olmsted's philosophy and designs on American life and as part of such study, the conduct of a symposium in 1985 and publication of the proceedings of such symposium;

(2) the development of an exhibit and film (and related informational materials) on Olmsted's legacy, copies of which shall be distributed upon request to interested museums, academic institutions, organizations, and government agencies throughout the United States;

(3) provision of technical and financial assistance to national nonprofit organizations and professional associations in developing and implementing other programs throughout the decade to commemorate Olmsted; and

(4) the conduct of appropriate activities at the Frederick Law Olmsted National Historic Site, Massa-

chusetts, including the opening of completed archives at the site.

ADVISORY COMMITTEE

SEC. 8. (a) There is hereby established the Advisory Committee on Olmsted Historic Landscapes (hereinafter referred to as "the Committee"). The Committee shall assist the Advisory Council on Historic Preservation (hereinafter referred to as "the Council") in carrying out those of its duties under the National Historic Preservation Act that relate to Olmsted historic landscapes, including but not limited to—

(1) reviewing the priorities, process, and product of the inventory conducted by the Secretary of the Interior under section 4 of this Act;

(2) reviewing the priorities, criteria and standards for the identification, evaluation, restoration, and preservation of Olmsted historic landscapes;

(3) assisting in the development of appropriate public participation and information dissemination plans;

(4) assisting the Council in evaluating undertakings that may affect Olmsted historic landscapes, during the Council's consultation processes under the National Historic Preservation Act (including section 106 and section 110 of that Act) and under section

402 of the National Historic Preservation Act Amendments of 1980 (94 Stat. 2987);

(5) providing advice to the Secretary on any other landscape that may qualify, because of its Olmsted influence, as an Olmsted historic landscape under section 3; and

(6) making other recommendations to the Secretary and the Council concerning the implementation of this Act.

(b) The Committee shall be composed of nine members, to be appointed by the Chairman of the Council, as follows—

(1) two members to be appointed from recommendations submitted by national organizations concerned with Olmsted parks and historic landscapes, Olmsted papers, and other Olmsted memorabilia;

(2) two members to be appointed from recommendations submitted by national organizations concerned with landscape architecture, historic architecture, architectural history, and historic preservation;

(3) two members to be appointed from recommendations submitted by national park, conservation, and recreation organizations; and

(4) three members representing other related disciplines such as history, architecture, horticulture, archaeology, geography, urban ecology, and planning,

who have a demonstrated interest in Olmsted historic landscapes.

Each member of the Committee shall serve for a term of four years from the expiration of his predecessor's term; except that the members first appointed shall serve for terms of one to four years, as designated by the Chairman of the Council at the time of appointment, in such manner as to insure that the terms of not more than two of them will expire in any one year. A member may not serve more than two terms. A member whose term has expired shall serve until that member's successor has been appointed. The Chairman of the Council shall designate one member of the Committee as Chairman, and shall fill vacancies in the same manner as original appointments were made.

(c) Members of the Committee shall serve without compensation as such, but may receive reimbursement for necessary travel and subsistence expenses reasonably incurred in carrying out their responsibilities under this Act.

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II

98TH CONGRESS
1ST SESSION

S. 2136

To authorize the exchange of certain lands between the Bureau of Land Management and the city of Los Angeles for purposes of the Santa Monica Mountains National Recreation Area.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18 (legislative day, NOVEMBER 14), 1983

Mr. WILSON introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

To authorize the exchange of certain lands between the Bureau of Land Management and the city of Los Angeles for purposes of the Santa Monica Mountains National Recreation Area.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 507(c)(2) of the National Parks and Recreation Act of 1978 (92 Stat. 3501; 16 U.S.C. 460kk) is amended by—

(1) inserting "(A)" after "(2)";

(2) striking out "Any" in the third sentence thereof and substituting "Except as provided in subparagraph (B), any"; and

(3) adding the following new subparagraph at the end thereof:

"(B) The Secretary (acting through the Bureau of Land Management) is authorized to negotiate, and carry out, an exchange with the city of Los Angeles (acting through its department of water and power) of certain lands managed by the Bureau of Land Management in the vicinity of the Haiwee Reservoir in Inyo County for certain lands controlled by the city of Los Angeles which are associated with the Upper Franklin Reservoir in the city of Los Angeles. Lands acquired by the Secretary pursuant to such exchange shall be transferred without cost to the administrative jurisdiction of the Secretary for the purposes of the recreation area. The values of lands exchanged under this subsection shall be equal, or shall be equalized, in the same manner as provided in section 206 of the Federal Land Policy and Management Act of 1976.".

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II

98TH CONGRESS
2D SESSION

S. 2331

To amend section 1601(d) of Public Law 96–607 to permit the Secretary of the Interior to acquire title in fee simple to McClintock House at 16 Williams Street, Waterloo, New York.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 22 (legislative day, FEBRUARY 20), 1984

Mr. MOYNIHAN (for himself and Mr. D'AMATO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

To amend section 1601(d) of Public Law 96–607 to permit the Secretary of the Interior to acquire title in fee simple to McClintock House at 16 Williams Street, Waterloo, New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1601(d) of Public Law 96–607 (16 U.S.C. 410ll(d)), is amended by striking out the word "through" and inserting the word "and" in lieu thereof.

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II

98TH CONGRESS
2D SESSION

H. R. 4596

IN THE SENATE OF THE UNITED STATES

MAY 2 (legislative day, APRIL 30), 1984

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To amend section 1601(d) of Public Law 96–607 to permit the Secretary of the Interior to acquire title in fee simple to McClintock House at 16 East Williams Street, Waterloo, New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1601(c) of Public Law 96–607 (16 U.S.C. 410ll(c)) is amended by striking paragraph "(8)" and inserting the following:

"(8) McClintock House and related structures, 14 and 16 East Williams Street, Waterloo; and".

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(b) Section 1601(d) is amended by striking out the word "through" and inserting the word "and" in lieu thereof; and by adding at the end of the subsection the following: "Within two years of the acquisition of the property listed in subsection (c)(8) the Secretary shall have removed all structures from the property that are not relevant to the historic integrity of the McClintock House.".

Passed the House of Representatives May 1, 1984.

Attest: BENJAMIN J. GUTHRIE,

Clerk.

II

98TH CONGRESS
1ST SESSION

S. 1695

To amend the National Trails System Act by authorizing for study the Pony Express Trail under the provisions of the Act.

IN THE SENATE OF THE UNITED STATES

JULY 28 (legislative day, JULY 25), 1983

Mr. CRANSTON (for himself, Mr. HECHT, Mr. LAXALT, Mr. SIMPSON, and Mr. ZORINSKY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

To amend the National Trails System Act by authorizing for study the Pony Express Trail under the provisions of the Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(c) of the National Trails System Act is amended by adding at the end thereof the following:

"( ) Pony Express Trail, extending from Saint Joseph, Missouri, through Nebraska, Wyoming, Utah, and Nevada to Sacramento, California.".

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II

98TH CONGRESS
2D SESSION

H. R. 3787

IN THE SENATE OF THE UNITED STATES

MAY 2 (legislative day, APRIL 30), 1984

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To amend the National Trails System Act by adding the California Trail to the study list, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end thereof the following new paragraph:

"(30) Pony Express Trail, extending from Saint Joseph, Missouri, through Kansas, Nebraska, Colorado, Wyoming, Utah, Nevada, to Sacramento, California, as indicated on a map labeled 'Potential Pony Express Trail', dated October 1983 and the California Trail, extending from the

vicinity of Omaha, Nebraska, and Saint Joseph, Missouri, to various points in California, as indicated on a map labeled 'Potential California Trail' and dated August 1, 1983. Notwithstanding subsection (b) of this section, the study under this paragraph shall be completed and submitted to the Congress no later than the end of two complete fiscal years beginning after the date of the enactment of this paragraph. Such study shall be separated into two portions, one relating to the Pony Express Trail and one relating to the California Trail.".

SEC. 2. (a) Recognition should be given to the regional significance of the contributions of Daniel Boone in the exploration and settlement of the Nation to assure that a wider segment of the public be afforded the opportunity to share in Boone's contributions to America's heritage through establishment of markings of a Daniel Boone Heritage Trail.

(b) In order that significant route segments and sites, recognized as associated with Daniel Boone may be distinguished by suitable markers, the Secretary of the Interior is authorized to accept the donations of such suitable markers for placement at appropriate locations on lands administered by the Secretary of the Interior, and with the concurrence of the Secretary of Agriculture and other appropriate heads of Federal agencies, on lands under their jurisdiction. The determination of the placement of markers to commemorate the

routes and sites of Daniel Boone shall be made by the Secretary of the Interior in consultation with appropriate private interests and affected local and State governments.

(c) The markers authorized by subsection (b) shall be placed in association with the Daniel Boone Trail identified on maps contained in the study entitled "Final National Trail Study, August, 1983, Daniel Boone" and submitted to the Congress pursuant to the provisions of section 5 of the National Trails Systems Act (16 U.S.C. 1244).

SEC. 3. Any provision of this Act or any amendment made by this Act which, directly or indirectly, authorizes the enactment of new budget authority described in section 402(a) of the Congressional Budget Act of 1974 shall be effective only for fiscal years beginning after September 30, 1984.

Passed the House of Representatives May 1, 1984.

Attest: BENJAMIN J. GUTHRIE,

Clerk.

REPORTER

STATEMENT BY SENATOR STROM THURMOND (R-S.C.) BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER REFERENCE S. 648, A BILL TO FACILITATE THE EXCHANGE OF CERTAIN LANDS IN SOUTH CAROLINA, S. 1889, A BILL TO DESIGNATE THE CONGAREE SWAMP NATIONAL MONUMENT VISITOR CENTER THE "HARRY R.E. HAMPTON VISITOR CENTER," AND S.J. RES. 277 PROVIDING FOR THE ERECTION OF A MONUMENT COMMEMORATING THE "AMERICAN ARMORED FORCE." MAY 22, 1984.

MR. CHAIRMAN:

I AM PLEASED TO HAVE THIS OPPORTUNITY TO APPEAR BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER IN SUPPORT OF THREE BILLS WHICH I HAVE INTRODUCED AND WHICH ARE ON THE AGENDA OF BILLS TO BE CONSIDERED THIS AFTERNOON. I VERY MUCH APPRECIATE YOUR WILLINGNESS, MR. CHAIRMAN, TO INCLUDE THESE MEASURES, S. 648, S. 1889, AND S.J. RES. 277, ON TODAY'S AGENDA.

S. 648 - SANTEE-COOPER LAND EXCHANGE

FIRST, I WISH TO DISCUSS S. 648, A BILL TO FACILITATE AN EXCHANGE OF LANDS BETWEEN THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY AND THE UNITED STATES FOREST SERVICE. THIS LEGISLATION WILL ENABLE THE U.S. FOREST SERVICE TO ADD 210 ACRES OF LAND TO THE FRANCIS MARION NATIONAL FOREST IN EXCHANGE FOR OTHER LANDS WHICH WERE INUNDATED BY THE SANTEE-COOPER HYDROELECTRIC PROJECT AND ARE OF NO USE TO THE FOREST SERVICE.

MR. CHAIRMAN, THE FRANCIS MARION NATIONAL FOREST IS LOCATED IN SOUTH CAROLINA BETWEEN TWO GREAT WATERCOURSES, THE SANTEE AND COOPER RIVERS. THOSE RIVERS ARE ALSO THE SITE OF AN IMPORTANT HYDROELECTRIC FACILITY KNOWN AS THE SANTEE-COOPER PROJECT, WHICH IS OWNED AND OPERATED BY THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY.

THE AUTHORITY OPERATES THE HYDROELECTIRC PROJECT UNDER A LICENSE ISSUED BY THE FEDERAL ENERGY REGULATORY COMMISSION. ALTHOUGH THE AUTHORITY OWNS MOST OF THE LANDS INUNDATED BY THE PROJECT RESERVOIRS OR WITHIN THE PROJECT BOUNDARIES, APPROXIMATELY 1,276

ACRES OF LAND WITHIN THE PROJECT BOUNDARIES ARE OWNED BY THE FOREST SERVICE. AS PRESCRIBED BY THE FEDERAL POWER ACT, THE AUTHORITY PAYS AN ANNUAL CHARGE OR RENT TO THE FEDERAL GOVERNMENT FOR THE USE OF THIS LAND. CURRENTLY, THE ANNUAL CHARGE IS $13,454.

DUE TO THE FACT THAT MOST OF THIS 1,276 ACRES OF LAND ARE UDNERNEATH THE PROJECT RESERVOIR, IT IS OF NO VALUE TO THE FOREST SERVICE. FOR THIS REASON, THE FOREST SERVICE, FOR A NUMBER OF YEARS, HAS PROPOSED A LAND EXCHANGE WHEREBY THE FOREST SERVICE WOULD CONVEY THE 1,276 ACRES TO THE AUTHORITY IN RETURN FOR A 210-ACRE TRACT OWNED BY THE AUTHORITY AND LOCATED DIRECTLY ACROSS FROM THE FOREST SERVICE HEADQUARTERS WITHIN THE FRANCIS MARION FOREST.

MR. CHAIRMAN, THE FEDERAL ENERGY REGULATORY COMMISSION APPROVED THE FOREST SERVICE PROPOSAL TO CONVEY THE 1,276 ACRES OF LAND TO THE AUTHORITY IN AN ORDER ISSUED ON APRIL 16, 1981. HOWEVER, THE COMMISSION ALSO ADVISED THE FOREST SERVICE AT THAT TIME THAT IT DID NOT HAVE AUTHORITY TO VACATE THE POWER WITHDRAWAL WHICH HAD ATTACHED TO THE LANDS UNDER SECTION 24 OF THE FEDERAL POWER ACT (16 U.S.C. SECTION 818). THEREFORE, THE AUTHORITY WOULD HAVE TO CONTINUE PAYING THE ANNUAL RENT, EVEN IF THE AUTHORITY ACQUIRED FEE TITLE TO THE LANDS. NOT SURPRISINGLY, THE AUTHORITY IS UNWILLING TO EXCHANGE ANY LANDS WITH THE FOREST SERVICE IF IT WOULD HAVE TO CONTINUE PAYING RENT FOR THE LANDS IT WOULD RECEIVE IN THE EXCHANGE.

MR. CHAIRMAN, THIS BILL WOULD FACILITATE THIS DESIRABLE EXCHANGE BY RELIEVING THE AUTHORITY OF THE OBLIGATION TO PAY RENT TO THE FEDERAL GOVERNMENT ON THE LAND WHICH WOULD BE CONVEYED TO THE AUTHORITY. IT WOULD ALLOW THIS PROPOSED EXCHANGE OF LAND, WHICH ALL CONCERNED RECOGNIZE TO BE BENEFICIAL, TO TAKE PLACE AS PROPOSED.

MR. CHAIRMAN, TIME HAS BECOME A CRITICAL FACTOR FOR THE AUTHORITY. IF THIS DESIRABLE EXCHANGE IS TO TAKE PLACE, S. 648 MUST BECOME LAW

THIS YEAR. OTHERWISE, THE AUTHORITY WILL BE FORCED TO CONSIDER ALTERNATIVE MEANS OF RECOUPING ITS INVESTMENT IN THE 210-ACRE TRACT PURCHASED BY THE AUTHORITY FOUR YEARS AGO, AT A COST OF $126,000, SOLELY FOR THE PURPOSE OF MAKING THE EXCHANGE. THEREFORE, I STRONGLY URGE SWIFT APPROVAL OF THIS BILL.

MR. CHAIRMAN, I ASK UNANIMOUS CONSENT THAT A LETTER FROM MR. WILLIAM C. MESCHER, PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY, CONCERNING THIS LEGISLATION BE INCLUDED IN THE RECORD FOLLOWING MY REMARKS.

S. 1889 - CONGAREE SWAMP VISITOR CENTER

MR. CHAIRMAN, S. 1889 WOULD AMEND THE ACT AUTHORIZING THE ESTABLISHMENT OF THE CONGAREE SWAMP NATIONAL MONUMENT, WHICH I WAS PLEASE TO BE THE AUTHOR OF, TO PROVIDE THAT AT SUCH TIME AS THE PRINCIPAL VISITOR CENTER IS ESTABLISHED, IT SHALL BE DESIGNATED AS THE "HARRY R.E. HAMPTON VISITOR CENTER."

HARRY RUTLEDGE ELLIOTT HAMPTON WAS BORN NEAR COLUMBIA, S.C. ON JULY 8, 1897, AND DIED IN 1980. HE HELD A B.A. DEGREE IN ENGLISH FROM THE UNIVERSITY OF SOUTH CAROLINA, AND WORKED AS A REPORTER, COLUMNIST, AND COEDITOR FOR THE STATE NEWSPAPER, WRITING HIS "WOODS AND WATER" COLUMN FOR MORE THAN 30 YEARS.

DURING HIS LIFETIME, HARRY HAMPTON WORKED TIRELESSLY FOR THE CAUSE OF CONSERVATION. HE WAS INSTRUMENTAL IN BUILDING PUBLIC INTEREST AND SUPPORT FOR ESTABLISHMENT OF THE CONGAREE SWAMP NATIONAL MONUMENT. FOR MORE THAN 20 YEARS, HE ATTENDED MEETINGS, MADE SPEECHES, WROTE ARICLES, AND PERSONALLY ESCORTED PEOPLE INTO THE SWAMP TO DOCUMENT TREES, BIRDS, AND OTHER WILDLIFE. THROUGH ALL OF HIS EFFORTS, HE HELPED TO STIMULATE AN AWARENESS OF THE AREA'S BEAUTY AND VALUE AS A PRIME EXAMPLE OF A SOUTHERN HARDWOOD FORESTED SWAMP.

MR. CHAIRMAN, IT IS ENTIRELY FITTING THAT, WHEN IT IS COMPLETED, THE VISITOR CENTER IN CONGAREE SWAMP NATIONAL MONUMENT BE NAMED AFTER HARRY RUTLEDGE ELLIOTT HAMPTON, WHO DEVOTED SO MUCH OF HIS LIFE TO HAVING THIS AREA PRESERVED FOR THE BENEFIT OF THE AMERICAN PEOPLE. I STRONGLY URGE SWIFT APPROVAL OF THIS LEGISLATION.

S.J. RES. 277 - ARMORED FORCE MEMORIAL

MR. CHAIRMAN, I WOULD ALSO LIKE TO TAKE THIS OPPORTUNITY TO STRONGLY RECOMMEND THAT YOUR SUBCOMMITTEE APPROVE SENATE JOINT RESOLUTION 277, WHICH SENATORS WARNER, TRIBLE, AND I INTRODUCED ON APRIL 24, 1984.

AS YOU KNOW, THIS RESOLUTION PROVIDES FOR THE ERECTION OF A MONUMENT COMMEMORATING THE "AMERICAN ARMORED FORCE". THIS MEMORIAL WOULD BE ERECTED AT NO EXPENSE TO THE GOVERNMENT, EXCEPT FOR MAINTENACE AND CARE AFTER THE MONUMENT HAS BEEN ERECTED, USING FUNDS RAISED BY NON-GOVERNMENT ORGANIZATIONS, SUCH AS THE MANY ARMORED ASSOCIATIONS WHICH ARE SUPPORTING THIS PROPOSAL. THE RESOLUTION RECOMMENDS THAT THE MONUMENT BE ERECTED ON A SITE BETWEEN THE ARLINGTON MEMORIAL BRIDGE AND THE ENTRANCE TO THE ARLINGTON NATIONAL CEMETARY AND BESIDE MEMORIAL DRIVE.

MR. CHAIRMAN, THIS MONUMENT WOULD HONOR OUR NATION'S ARMORED FORCES WHICH HAVE FOUGHT WITH VALOR AND COURAGE IN COMBAT, BEGINNING WITH WORLD WAR I. OTHER BRANCHES OF OUR MILITARY FORCES, SUCH AS THE INFANTRY AND AIRBORN, HAVE MONUMENTS HONORING VARIOUS BRANCH UNITS IN WASHINGTON COMMEMORATING AMERICAN HEROES IN COMBAT. INCIDENTALLY, THE 101ST AIRBORN DIVISION HAS A MONUMENT ON MEMORIAL DRIVE. ALSO, THE FIRST AND SECOND INFANTRY DIVISIONS HAVE MONUMENTS COMMEMORATING THEIR UNITS. BY

HAVING ONE MONUMENT FOR ALL ARMORED DIVISIONS, IT SHOULD NOT BE NECESSARY FOR EACH OF THE MANY ARMORED DIVISIONS TO REQUEST INDIVIDUAL DIVISION MONUMENTS.

ONE OF THE FINEST CHAPTERS IN THE EPIC HISTORY OF THE UNITED STATES ARMY IS THE STORY OF THE "AMERICAN ARMORED FORCE". I AM CONFIDENT THAT THE MEMBERS OF THIS COMMITTEE RECALL THE POWERFUL ARMORED UNITS WHICH BROKE OUT OF THE NORMANDY BEACHHEAD TO SWEEP ACROSS EUROPE AND DEFEAT HITLER. ALONG WITH SEVERAL OTHER SENATORS, I PLAN TO VISIT THIS BEACHHEAD AREA ON JUNE 6, TO PARTICIPATE IN THE 40TH ANNIVERSARY OF THE NORMANDY INVASION, WHERE I LANDED BY GLIDER EARLY ON D-DAY, 40 YEARS AGO, WITH THE 82ND AIRBORNE DIVISION.

THIS "AMERICAN ARMORED FORCE", COMPOSED OF ARMORED DIVISIONS, MECHANIZED CAVALRY GROUPS, ARMORED FIELD ARTILLERY, TANK DESTROYERS AND TANK AND ARMORED INFANTRY BATTALIONS, CONTRIBUTED SUBSTANTIALLY TO THE VICTORY OF AMERICAN ARMS IN ALL THEATERS OF WAR IN WORLD WAR II.

William C. Mescher
President and
Chief Executive Officer

May 18, 1984

The Honorable Malcolm Wallop
United States Senate
Chairman of the Public Lands and
Reserved Water Subcommittee of the
Senate Committee on Energy and
Natural Resources
SR-206, Russell Senate Office Bldg.
Washington, DC 20510

Dear Chairman Wallop:

On behalf of the South Carolina Public Service Authority, we wish to express our strong interest and support of the passage of the Land Exchange Bill S-648.

As you know, the U. S. Forest Service and the Authority came to an agreement on an exchange of lands which is mutually beneficial to both parties. The Forest Service will acquire a 210 acre tract of land abutting the Forest Service Headquarters Site on the Francis Marion National Forest, and the Authority will acquire ownership of 1,276 acres which are presently inundated by the waters of Lake Moultrie. The 210 acre tract was acquired by the Authority approximately four years ago at a cost of $126,000.00 solely for the purpose of an exchange with the U. S. Forest Service. Its value now is estimated in excess of $150,000.00. Additionally, if this bill is passed, the Authority would be relieved of paying annual charges on the inundated acreage which is currently established at $13,454.00 per year.

The Federal Energy Regulatory Commission advises that although they approve of the exchange, they cannot waive the requirement of annual charges because of a 1920 law which, we are informed, was enacted primarily for other purposes. We, of course, are very concerned with the unfairness of requiring the Authority to continue to pay rent to the Federal Government after acquiring fee title to the 1,276 acres in question.

It is our understanding that a meeting will be held on S-648 on May 22, 1984. Your valuable assistance and support towards the passage of this bill would be greatly appreciated.

Sincerely,

W. C. Mescher
President

ONE RIVERWOOD DRIVE, MONCKS CORNER, S.C. 29461 803/899-2121

Santee Cooper
SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

GARY HART
COLORADO

COMMITTEES
ARMED SERVICES
ENVIRONMENT AND PUBLIC WORKS
BUDGET

United States Senate
WASHINGTON, D.C. 20510

June 26, 1984

The Honorable Malcolm Wallop
SR - 206
Washington, D.C. 20510

Dear Malcolm:

I am writing to request your support for legislation to protect the Black Canyon of the Gunnison National Monument in Colorado during Senate Energy Committee markup on Wednesday. This legislation (H.R. 3825), which passed the House in March, is critical to preserve the visual integrity of this National Monument.

This legislation will provide necessary authorization for the Federal government to purchase development rights to 6,700 acres on the north rim of the Canyon, establishing for the first time a statutory northern Monument boundary. Acquisition of these conservation easements will expand the Monument and insure the long term protection of the viewshed on the north rim of the Canyon.

The Black Canyon of the Gunnison has been recognized as a unique national resource since its proclamation as a National Monument in 1933. Today, hundreds of thousands of tourists visit the area each year to enjoy its spectacular scenic overlooks.

Unfortunately, a situation has developed which threatens to permanently alter the untouched beauty of the Canyon. In order to generate needed cash flow, a landowner who owns 4,000 of the 6,700 acres proposed for acquisition in this bill has started preliminary construction activities on a planned vacation home development. When complete, these homes will be plainly visible from the south rim of the Canyon where the primary visitor viewpoints are located. Should Congress fail to authorize the purchase of conservation easements on this property, further construction can be expected in coming weeks, permanently defacing the Canyon.

Purchase of conservation easements will cost the Federal government substantially less money than fee simple acquisition of the acreage in the bill. In addition, the legislation pending before the Committee has the support of a variety of interests, including affected landowners, the cities of Montrose and Delta, the counties of Montrose and Gunnison, local businesses, the environmental community, the National Park Service and the State of Colorado.

Perhaps most important, the legislation is in accordance with existing plans of the National Park Service for the Monument. Given the present threat to the Monument, it is essential these longstanding plans of the Park Service be implemented.

For your information, I have attached several recent articles describing the immediacy of this situation. Because Congress will adjourn at the end of this week, I cannot overstate the urgency of reporting this legislation to the full Senate during Wednesday's scheduled markup in the Senate Energy Committee.

I appreciate your attention to this matter.

Sincerely yours,

Gary Hart

DENVER POST
June 10, 1984
Sunday

Bulldozer poised to gash Black Canyon

By NANCY LOFHOLM
Special to The Denver Post

MONTROSE — District Park Ranger Joe Kastelic calls it "frightening."

Standing on a scenic overlook of the Black Canyon of the Gunnison National Monument, Kastelic looks north and sees a bulldozer poised on the far rim of the canyon. Stacks of gleaming pipe are piled nearby. Except for these metal intruders, the spectacular beauty of the 12-mile long, 2,425-foot-deep canyon is unmarred.

Unless government action is taken before Thursday, the bulldozer will start ripping gashes in part of the canyon, and eventually summer homes will be perched on its rocky outcrops. The view from those homes will be spectacular, but the view from the south side of the canyon, where tourists come to the scenic overlooks, never will be the same.

Richard Mott, the rancher who plans to begin selling portions of his nearly 7,000 acres on the canyon's north rim this month, has waited three years for the federal government to take some type of action to protect the Black Canyon view.

Mott has offered to sell the property or the development rights to the National Park Service. Because of serious financial problems, Mott has said he can wait no longer than next Thursday. If there is no congressional action by then, work will start on the 132-home subdivision.

Even though a number of local politicians, state representatives, senators and Park Service officials — and even Mott himself — are lobbying for legislation, it doesn't appear the deadline will be met. Any action is entwined in a Catch-22 situation.

U.S. Rep. Ray Kogovsek, D-Colo., and Sen. Gary Hart, D-Colo., have introduced similar bills authorizing the park to purchase scenic easements on the canyon. And, Sen. William Armstrong, R-Colo., has requested a $1.3 million appropriation.

The bills have been passed by the House and are in the Senate Energy and Natural Resources Committee. The bills were scheduled for discussion Wednesday, but according to Senate aides that date could get backed up considerably by Persian Gulf problems, which are occupying congressional time.

Because of the congressional delays, the Nature Conservancy, a national non-profit land protection agency, has stepped in and attempted to negotiate a purchase agreement with Mott. But that group's hands are tied. The conservancy is bound by law not to act until a letter of intent to purchase is obtained from the government entity involved, in this case the National Park Service. The National Park Service is bound by the same law not to produce a letter of intent until legislation is passed authorizing the purchase.

"We can't act without legislation, but we're trying to figure out how to do something, how to option it in some way," said Nature Conservancy spokeswoman Sidney Macy.

Nature Conservancy was responsible for stopping development for a week. The group stepped in when Mott threatened to start construction last week and obtained a week's grace period.

Macy said she will meet in Denver Tuesday with Mott, but has no idea at this time what solutions might come up. Macy did say she was optimistic something would happen to stop the development because Mott has been cooperative for the past three years.

Mott refuses to speak to the press. He has hired Crawford Real Estate agent Tom Chapman to handle both the land sales and the press. Chapman said Mott definitely is opposed to subdividing Black Canyon property, but has no choice because of financial problems.

According to Chapman, Mott owes $4 million on a 3,000-acre ranch which adjoins the 4,000 acres of grazing land he wants to sell.

"You could call this a case of severe financial problems of major proportions. The bankers are pressuring him and he's in danger of losing his ranch," Chapman said.

The land which Mott wants to sell, about 12 miles southeast of the closest town of Crawford, is accessible only in the summer months by a dirt road.

Chapman describes some of the most marketable pieces of property on the canyon's edge as "prime property with some of Mother Nature's most awesome views." He said he already has several buyers lined up and will begin making sales by the end of the month if the federal government does not step in.

If the bulldozers begin cutting roads and ditches next week, Chapman said it will not preclude selling the property to the Nature Conservancy or the federal government.

"If they were to purchase it several weeks later, all they would have to deal with is a gaping gash of a road and pipeline. Any time later than that they would have to deal with more than one landowner," he said.

Chapman admitted he and Mott had been accused of bluffing to force action on the property, but he said because of the financial pressures it is no bluff. "Our machines are there — they're ready to go. We have no choice. We can't wait for the Senate to languish on this any more," he said.

If development were to start before legislation could be passed, Sabin said, "it might suffer some in appearance, but it wouldn't be the end of the world."

"We could live with it like you live with any fact of life, but once those scars are there, they are there for future generations to see. But what can we do? We are caught in a state of process," Kastelic said.

DENVER POST
June 19, 1984
Tuesday

Rancher halts Black Canyon bulldozing

By SANDY GRAHAM
Rocky Mountain News Science/Energy Writer

A Western Slope rancher agreed Monday to stop bulldozing near the north rim of the scenic Black Canyon of the Gunnison National Monument through Wednesday at the request of Rep. Ray Kogovsek, D-Colo.

But the halt appears to be a temporary reprieve for the pristine area, part of a proposed expansion of the national monument east of Montrose.

A spokesman for rancher Richard Mott said road work using the bulldozer will resume on Thursday unless there's progress toward helping Mott pay his debts. Mott says he must sell the land soon to meet financial obligations.

"We'll go back to using the bulldozer the latter part of this week unless Mr. Mott's financial problems can be resolved," said Thomas Chapman, a Paonia, Colo., real estate salesman and Mott's spokesman. He said Mott agreed to the moratorium because Kogovsek and his staff have "worked their hearts out" to engineer a federal purchase of the land.

But Kogovsek, along with Colorado Sens. Gary Hart and William Armstrong, also asked Mott last week to delay subdiving his land. Kogovsek said he thought Mott went ahead with work on Friday mostly for the publicity value.

"I see nothing wrong with that," Kogovsek said. "No one's going to know how serious this is unless there's publicity."

Chapman said Mott agreed to Kogovsek's request Monday morning because workers were about to begin more extensive roadwork that would have been clearly visible from the visitors' overlooks on the south rim of the canyon. "It's an entirely different situation," Chapman said.

While the bulldozer is shut down, workers will continue the less environmentally damaging work of laying water pipe on the land, Chapman added.

Mott, a Maher, Colo., rancher, has been trying to sell 4,000 acres for a monument expansion for about four years. This year, legislation stalled in the Senate after passing the House in March. Disgusted with congressional inaction, Mott last Friday started to subdivide his land for sale in 40-acre tracts.

Kogovsek predicted that a bill authorizing a 7,000-acre expansion of the monument — including Mott's land — will pass the Senate Energy Committee on Wednesday. Although Chapman doubts committee action will be enough to satisfy Mott's creditors, Kogovsek hopes it will.

The congressman said he spoke to loan officers at Colorado National Bank who told him that committee passage would help assure a loan that would pay Mott's most pressing creditors.

The committee's action might also help the Nature Conservancy work out a way to buy Mott's land, Kogovsek said. The conservancy is a non-profit group that acts as the middleman in land purchases between federal and private interests. Conservancy officials couldn't be reached for comment Monday.

Although some have accused Mott of "grandstanding" in hopes of forcing a sale, Kogovsek said he has no doubts that the rancher faces a financial crisis.

"I'm just convinced," he said. "I've believed Dick Mott all along."

DENVER POST
June 19, 1984
Tuesday

Black Canyon rim bulldozing halted for now

Denver Post Staff and Wire Reports

MONTROSE — A spokesman for a western Colorado rancher who is bulldozing roads for a subdivision at the Black Canyon of the Gunnison National Monument said Monday the grading will be stopped temporarily.

Rep. Ray Kogovsek, D-Colo., was able to persuade rancher Richard Mott to stop blading ground for several days to give the Senate a chance to authorize government purchase of his property on the north rim of the spectacular canyon.

"They've made their point and got the attention of (Sen. Bill) Armstrong and (Sen. Gary) Hart," Kogovsek said. "Mott really is looking down the barrel of a gun."

It is the government that is putting the financial squeeze on Mott.

Tom Chapman, who represents Mott, said the creditors pushing Mott the hardest for cash are the Production Credit Association and Federal Land Bank. The two men plan to develop a subdivision on the north rim of the canyon and raise cash by selling home lots.

Mott first approached the National Park Service four years ago about selling to the government, Chapman said, "and the deadline the banks gave us early this year was June 15 to get something going."

In March, the House passed a Kogovsek-sponsored measure to allow the National Park Service to buy scenic easements for the land, action which would give Mott the cash he needs to satisfy his creditors.

The Senate has not acted, and a time limit on a committee meeting last week ran out before voting could be concluded on the bill. Armstrong said he expects the committee to act on it Wednesday.

Statement of Senator Gary Hart
Subcommittee on Public Lands and Reserved Water
Senate Committee on Energy and Natural Resources
May 22, 1984

Mr. Chairman, thank you for the opportunity to submit testimony today as the Subcommittee begins consideration of legislation to establish a boundary for the Black Canyon of the Gunnison National Monument. I commend your efforts on this legislation, important to both the people of Western Colorado and the entire nation.

H.R. 3825 is virtually identical to legislation I introduced in the Senate last October, S. 2015. Congressman Kogovsek, sponsor of the legislation before you today, and I share a deep concern for the protection of the Black Canyon of the Gunnison National Monument.

The Black Canyon of the Gunnison has long been recognized and heralded as a unique national resource and asset. On March 2, 1933, President Herbert Hoover proclaimed the Black Canyon a National Monument to be preserved for future generations of Americans. Today, hundreds of thousands of people visit the area each year. They come to see the Monument's spectacularly deep and narrow gorge and the view from the Canyon rim. The Monument also provides a multitude of educational, cultural, scientific and historical experiences. Surrounding communities in Western Colorado, as well as the Federal Government, have made significant investments through the years to provide recreational services for those who travel to the Black Canyon National Monument.

Unfortunately, a situation has developed which threatens the investment and visual integrity of the Monument. Homesites may soon be developed on an area of private land on the northern rim of the Canyon. These homesites would be plainly visible to anyone overlooking the Canyon from the southern rim, where the primary visitor viewpoints are located. If this development takes place, the scenic vistas enjoyed by thousands of visitors each year will be permanently degraded.

Local citizens and the National Park Service have expressed interest in preventing this degradation. With the consent of private landowners on the northern rim of the Canyon, an effort has been undertaken to resolve the situation. The result of this effort is the legislation before you today.

Mr. Chairman, the legislation before you today establishes for the first time a formal boundary for the Black Canyon of the Gunnison National Monument. In addition, the legislation directs the National Park Service to purchase title or scenic easement for some 7,000 acres of private land adjacent to the Monument in Montrose County, Colorado. The owner of this land recently filed a development plan, but will not develop the property if Congress authorizes and appropriates funds for its purchase this year. By approving this legislation, Congress can preserve for many generations to come the magnificent views of the Black Canyon which are experienced by thousands of visitors who travel to the Monument each year.

As witnesses will testify today, H.R. 3825 has the support of local officials, affected landowners, area residents, the National Park Service, and the Colorado delegation. The House of Representatives approved this legislation in march of this year. I believe we all share a desire to see the integrity of the Black Canyon of the Gunnison National Monument secured.

I continue to be impressed with the importance Coloradans and most Americans place on the preservation of our majestic public lands and unspoiled natural areas. Colorado is impressive in many respects, but most people think first of Colorado's mountains when they think of our state. As our cities become more crowded and the competition for diminishing natural resources increases, the relatively few untouched scenic areas become increasingly important to people. The Black Canyon of the Gunnison National Monument is no exception and I strongly urge members of the Subcommittee to consider the immediacy and importance of H.R. 3825 and act favorably on it in a timely fashion.

Mr. Chairman, thank you for holding this hearing and allowing me the opportunity to submit testimony today.

STATEMENT OF SENATOR WILLIAM L. ARMSTRONG

BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

MAY 22, 1984

MR. CHAIRMAN, I am grateful to you and the members of the Subcommittee for this opportunity to speak on behalf of the legislation to extend the boundaries of the Black Canyon of the Gunnison National Monument.

The Subcommittee presently has pending before it two bills--one passed by the House (H.R. 3825), and another introduced by Senator Hart (S. 2015). Both bills are essentially identical. However, for purposes of convenience, I am endorsing the House passed legislation, conditioned by the approval of several amendments to Section 3 of that bill.

The first is to recommend that the Secretary be only "authorized" and not "directed" to acquire a scenic easement. I understand that the Park Service objects to this provision as limiting their discretion to manage the area, and I do not believe that we should be ordering the purchase of property that may not have to be purchased to protect the Canyon's north rim view.

The second, and last, recommended amendment is to make some technical changes to accommodate the purchase of land in fee (as opposed to a scenic easement) provided, however, that (1) fee title is necessary to protect the view and (2) that the seller is willing. The underlying reason is to insure that the Nature Conservancy--a nonprofit land trust organization--which is interested in buying fee title to about 4,000 acres in the center of the north rim view, will be in a position to be fully reimbursed by the National Park Service.

For the details on the technical amendments, I am attaching my letter of May 11, 1984 to Chairman Wallop.

The Black Canyon of the Gunnison River is unquestionably one of the world's premier wild canyons, distinguised by its unique depth, sheerness, and narrowness. Flowing down from the Saguache Mountain Range, the Gunnison River has carved its way for centuries through hard, metamorphic rock, creating this magnificant canyon which extends over 50 miles. Back in 1933, President Hoover recognized this uniqueness, designating 12 miles of the Canyon's center section a National Monument, and in 1976, 11,180 acres of the Monument's 13,672 acres was designated by Congress for wilderness preservation.

The 7,000 acres at issue in the pending legislation are a necessary and desirable addition to the Monument, and with the changes I have recommended, the cost of preserving the north rim view will be substantially less than proposed by either H.R. 3825 or S. 2015.

I urge that the Committee look favorably upon this legislation and move it as quickly as possible--understanding that your schedule is quite busy at this time.

Again I appreciate this opportunity to speak on behalf of expanding the Black Canyon National Monument.

Thank you.

WILLIAM L. ARMSTRONG
COLORADO

United States Senate
WASHINGTON, D.C. 20510

May 11, 1984

Malcolm Wallop, Chairman
Committee on Public Lands and Reserved Water
Senate Energy and Natural Resources Committee
Washington, D.C. 20510

Dear Malcolm:

You have presently pending before your subcommittee a bill passed by the House (H.R. 3825), and another on the same subject by Senator Hart (S. 2015). The House bill would direct the Park Service to purchase a scenic easement, or full title if necessary, to 7000 acres of land primarily located on the north rim of the Black Canyon of the Gunnison River in western Colorado. The north rim is in plain view from the south side of the Canyon and any development would significantly detract from the Canyon's value as a National Monument.

After taking a close look at the pending legislation, I believe that the House passed legislation, with a few changes, would be a reasonable alternative and ask that you hold hearings on this legislation at your earliest convenience. The purpose of the changes would be to accomodate the Nature Conservancy, a land trust organization, who is interested in purchasing fee title to the Mott property—4,000 acres in the center of the north rim view-shed. The changes are as follows: On page 3, line 15, delete "shall" and replace with "may"; Page 3, line 16, delete "all": and on Page 3, line 18, after Monument delete ":" and add a "." and add the phrase "The Secretary shall acquire lands in fee if such acquisition is required to protect the visual quality, natural, or cultural resources of the Monument:". In addition, the Park Service tells me that they are concerned about being "directed" to acquire the property in H.R. 3825—instead of simply authorized to acquire—because it prevents them from exercising any management discretion.

This is a priority matter for my State, and it is my hope that we can resolve it before the integrity of the Canyon's north view is threatened.

I stand ready to provide you any assistance you might need and greatly appreciate your help on this matter.

Best regards.

Sincerely,

William L. Armstrong
United States Senate

STATEMENT BY SENATOR ALAN CRANSTON BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER IN SUPPORT OF S. 1695, THE PONY EXPRESS TRAIL STUDY BILL, AND S. 2136, TO AUTHORIZE THE EXCHANGE OF CERTAIN LANDS BETWEEN THE U.S. DEPARTMENT OF INTERIOR AND THE CITY OF LOS ANGELES, MAY 22, 1984

Mr. Chairman, I appreciate having the opportunity to provide testimony to the Subcommittee on Public Lands and Reserved Water in support of S. 1695, legislation I'm sponsoring to provide for a study of the Pony Express Trail for possible inclusion in the National Trails System and in support of S. 2136, a bill I'm co-sponsoring with my colleague Senator Pete Wilson, to authorize an exchange of lands between the U.S. Department of the Interior and the City of Los Angeles to further the purposes of the Santa Monica Mountains National Recreation Area.

Mr. Chairman, the Pony Express represents an important segment in the development of our country. It was the first rapid transit and the first fast mail line across the continent from the Missouri River to the Pacific Coast. The service provided by the Pony Express was instrumental in binding our young country together, in linking the far West to the more populous East at a time when overland travel was slow and cumbersome and when the impending Civil War made rapid communication of news between these sections a necessity.

The Pony Express Trail extended from St. Joseph, Missouri to Sacramento, California. In general, the route followed the well-known California-Oregon Trail by way of Fort Kearney and Scottsbluff (Nebraska), Fort Laramie, South Pass and Fort Bridger (Wyoming), and Salt Lake City (Utah). From there the trail went around the southern end of the Great Salt Lake by way of Fort Churchill and Carson City (Nevada), and Placerville to Sacramento (California).

One hundred and ninety stations spaced some fifteen miles apart with 400 horses, as many stationmen and assistants and approximately 80 riders served the Pony Express. The combined efforts of these individuals resulted in the mail being delivered in less than half the 22 day delivery time of the previous overland mail route. The best record set by the Pony Express was in delivering a copy of President Lincoln's inaugural address across the country in 1861. Lincoln's speech arrived in Sacramento, California from St. Joseph, Missouri -- a distance of 1966 miles -- in just seven days and seventeen hours.

Nonetheless, actual mail service via the Pony Express lasted a brief nineteen months. Yet that period from April 3, 1860, when the first mail pouch left St. Joseph, Missouri

to October 24, 1861, when the Pony Express officially ended, represents one of the most colorful episodes in American history. Certainly, the deep impression the Pony Express made on the times belies its short duration. It marked the highest development in overland travel to its time and made clear that a central route across the continent would expedite the carrying of mail to the West Coast.

The Pony Express also proved the feasibility of a trans-continental railroad and paved the way for the first such rail to span the continent nine years later. The Pony Express demonstrated that such a line could be operated year-round -- a feat previously considered impossible. Not surprisingly, however, completion of the transcontinental telegraph line long preceded the completion of the cross-country railroad. On October 24, 1861, it was the telegraph that escorted the Pony Express formally out of existence.

As the humming telegraph wires and the roaring railroad took over its task, the Pony Express passed into legend. Nevertheless, it continues to be an exciting chapter in the nation's history. The operation of the Pony Express was a supreme achievement. Its history truly is a tribute to American courage and American organizing genius. The romance, courage and endurance which the routine operations of the Pony Express entailed, along with its part in nationally important communication and transportation developments are well worth remembering.

In view of its long established historical and cultural values, I believe the Pony Express Trail merits study to determine the suitability and feasibility of its designation as a national historic trail and inclusion in the National Trails System.

I'm pleased that on May 1 , the House overwhelmingly approved legislation, H.R. 3787, which provides for the study of the Pony Express Trail. The bill, which differs slightly from S. 1695, has my support with respect to the Pony Express Trail provision. The House Committee amended H.R. 3787, which authorizes a study of the California Trail, to include a study of the Pony Express Trail -- originally provided for in H.R. 4134. As a result, the House passed legislation calls for one study covering both trails to be conducted. It's my understanding that because the California and Pony Express Trails follow generally the same route, money can be saved by performing one feasibility study of the corridor which includes both trails. H.R. 3787 still requires a separate report be written on the feasibility of each trail. I urge the Committee to approve legislation providing for a study of the Pony Express Trail.

Mr. Chairman, S. 2136 authorizes a land exchange in the State of California between the U.S. Department of Interior and the City of Los Angeles and furthers the purposes of the Santa Monica Mountains National Recreation Area. Specifi-

cally, S. 2136 amends section 507 (c)(2) of the 1978 National Parks and Recreation Act (Public Law 95-625) establishing the Santa Monica Mountains National Recreation Area to allow for the exchange of federally owned lands adjacent to Los Angeles' Haiwee Reservoirs in southern Inyo County for a portion of the city's Upper Franklin Canyon property in the Santa Monica Mountains. Presently, the National Parks and Recreation Act allows lands owned by political subdivisions of the State of California to be acquired for the recreation area only by donation.

Under the exchange proposed in S. 2136, 30 acres of highly valued wooded lands, including the Franklin Canyon Reservoir, would be added to the Santa Monica Mountains National Recreation Area. The presence of this five acre reservoir provides for a diverse ecosystem characterized by marshes and water fowl nesting and feeding areas -- features not common in other parts of the national recreation area. More than 100 species of plants and 60 species of birds have been found in the Upper Franklin Canyon area. These scenic lands also are considered important to the development of the Cross Mountain Park portion of the Santa Monica Mountains National Recreation Area. It's important to note that the City of Los Angeles took the Franklin Reservoir out of service in 1983 when it determined that the water storage at the location was no longer necessary for municipal water operations.

In exchange for the Upper Franklin Canyon lands, the City of Los Angeles would acquire approximately 3000 acres of Bureau of Land Management lands surrounding the Haiwee Reservoirs. Ownership of property around the reservoirs is divided between the city and the federal government. However, to protect Los Angeles' water supply, federal lands proposed for exchange in S. 2136 were withdrawn from entry by Executive Order #6206 on July 16, 1933. In addition to the two reservoirs Los Angeles maintains and operates a hydroelectric powerplant and the First and Second L.A. Aqueducts which are also situated on federal lands in this area. The exchange would consolidate Los Angeles' ownership of lands in the Haiwee area, thus improving management and protection of the city's water and power supply facilities.

Mr. Chairman, just last Thursday the House Interior Committee Subcommittee on Public Lands and Parks approved the companion House bill H.R. 3331 with minor amendments. Both bills continue to enjoy the support of the Los Angeles City Council, the Los Angeles County Board of Supervisors, the Inyo County Board of Supervisors as well as a majority of the Southern California Congressional delegation. I urge the Committee to approve this legislation so it may be enacted during this year.

Thank you.

STATEMENT BY
SENATOR JAKE GARN
BEFORE THE
SENATE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
ON S. 2036
MAY 22, 1984

Mr. Chairman and members of the subcommittee: I appreciate the invitation to express my feelings regarding S. 2036, which the subcommittee is examining today. S. 2036, as you know, will transfer the real property and buildings located at the Intermountain Inter-Tribal School in Brigham City, Utah, to Brigham City Corporation once the closure of the school by the Bureau of Indian Affairs (BIA) occurs. That step, for all intents and purposes, will be completed by the end of this month. It is my hope that the subcommittee will favorably report S. 2036 so that the closure and the conveyance of the land in question will take place almost immediately.

S. 2036 will convey, by quitclaim deed, the land now used by the BIA to the city of Brigham City for their use. This land, encompassing approximately 170 acres, should be conveyed to Brigham City without any compensation to the Federal Government because, in essence, the city has already paid for the land and the buildings on the site. These have been used by the government since 1942 when the city agreed to comply with certain requirements of the War Department in exchange for an Army hospital constructed within its corporate limits. To meet the agreement, the city had to:

- furnish the government with title to any lands chosen for the hospital;
- set up a trust fund of $60,000 to purchase outright, taking title in the name of the United States, the land for the proposed site;
- remove all buildings which existed on the site at no cost to the government;
- furnish power, water, and sewer lines to the site;
- pave access roads from an existing highway to the boundary of the site;
- furnish, without cost, gravel and sand from its municipal pits for the

erection of any buildings on the site; and

- pay the salaries of all employees needed to fulfill these requirements.

All of these requirements had to be met before the government would agree to construct the hospital. Since the school's formation in 1952, the city has continued to supply the facility with 25 percent of its security force needs, with no remuneration to the city; provide counseling to students through church organizations; and encourage student employment with local businesses. To say the least, Mr. Chairman, the city has had a long-standing interest in the successful utilization of this property.

Mr. Chairman, the community of Brigham City is very interested in the action this subcommittee will take on S. 2036. It has had a keen interest in the Intermountain Inter-Tribal School since its formation 30 years ago and has faithfully supported the school throughout its entire existence. I don't believe the school could have operated as smoothly and as successfully as it did without this support. While Intermountain has been recognized for the educational programs it has developed over the years, a large part of this development would not have occurred without a close working relationship with the surrounding businesses, religious groups, civic leaders, and residents. These individuals should be commended for their fine work over the years to the growth of the school and the maturation of its students.

But looking to the future, the residents of Brigham City should have the opportunity to develop the property now housing Intermountain in a way that will continue to benefit the community. If any project, be it private or public, is to successfully follow Intermountain School on the current site, it will need the support of Brigham City. The best way to garner that support is to permit the city to have complete control over the property. I am attaching with my statement for the subcommittee's review, a statement by the Mayor of Brigham City, Peter C. Knudson, who recently testified in favor of the companion bill of S. 2036 now being considered by the House Subcommittee on Public Lands and National Parks.

His statement clearly represents the community's interest in this property and desire to see that any future projects on the site can be supported by the surrounding community. As provided by S. 2036, ownership of the land should be directly transferred to the city, the original owner, without any cost to the city. It does not seem logical to require the city to pay for something it once owned.

Mr. Chairman, S. 2036, cosponsored by Sen. Hatch, has the support of the Secretary of the Interior, Brigham City officials, and the entire Utah Congressional Delegation. I urge the subcommittee to favorably report this bill as soon as possible. Thank you for the opportunity to express my position on this bill.

STATEMENT BY THE
HONORABLE PETER C. KNUDSON
MAYOR OF BRIGHAM CITY, UTAH
BEFORE THE HOUSE SUBCOMMITTEE ON PUBLIC LANDS AND
NATIONAL PARKS

MARCH 22, 1984

CHAIRMAN SEIBERLING, DISTINGUISHED MEMBERS OF THE COMMITTEE, I AM PETER KNUDSON, MAYOR OF BRIGHAM CITY, UTAH. I APPRECIATE VERY MUCH THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY TO VOICE SUPPORT FOR H.R. 4143 SPONSORED BY CONGRESSMAN JAMES HANSEN (R-UTAH). THIS LEGISLATION TRANSFERS THE REMAINING REAL PROPERTY AND BUILDINGS LOCATED AT THE INTERMOUNTAIN INTER-TRIBAL SCHOOL TO BRIGHAM CITY CORPORATION UPON THE CLOSURE OF THE SCHOOL BY THE BUREAU OF INDIAN AFFAIRS. FOR YOUR INFORMATION, BRIGHAM CITY IS A COMMUNITY OF 18,000 POPULATION LOCATED APPROXIMATELY 50 MILES NORTH OF SALT LAKE CITY (SEE MAP).

THE TESTIMONY PROVIDED BY CONGRESSMAN HANSEN HAS GIVEN YOU AN EXCELLENT OVERVIEW OF THE COMMUNITY'S INTEREST IN THE SUBJECT PROPERTY. AS YOU HEARD, BRIGHAM CITY PLAYED A MAJOR ROLE IN THE INITIAL DONATION OF THE PROPERTY TO THE FEDERAL GOVERNMENT FOR USE AS AN ARMY HOSPITAL DURING WORLD WAR II. SUBSEQUENTLY, THE PROPERTY WAS GIVEN TO THE DEPARTMENT OF THE INTERIOR FOR THE OPERATION OF A BUREAU OF INDIAN AFFAIRS SCHOOL BEGINNING IN 1952.

AFTER THE HOSPITAL WAS CLOSED IN 1946, THE BUILDINGS WERE VACANT FOR SEVERAL YEARS UNTIL IT WAS ULTIMATELY USED AS AN INDIAN SCHOOL. OUR ASSOCIATION WITH THE INDIAN SHCOOL HAS ALWAYS BEEN A POSITIVE ONE. AS WAS THE CASE WITH THE HOSPITAL, THE INDIAN SCHOOL BROUGHT A NEW

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DIMENSION TO OUR COMMUNITY. THE CITIZENS OF BRIGHAM CITY HAVE GREATLY BENEFITED FROM THE LOCATION OF THE INTERMOUNTAIN SCHOOL IN OUR COMMUNITY. THE RELATIONSHIP HAS BEEN MUTUALLY BENEFICIAL TO BOTH GROUPS -- STUDENTS AND CITIZENS ALIKE. WE HAVE LEARNED A GREAT DEAL FROM THE NATIVE AMERICAN CULTURE. THEY HAVE ADDED SOMETHING VERY IMPORTANT TO OUR COMMUNITY, AND WE APPRECIATE THAT. WHEN THE SCHOOL CLOSES, A GOOD DEAL OF OUR COMMUNITY'S UNIQUE CHARACTER WILL BE GONE BUT NOT FORGOTTEN.

AS YOU CAN APPRECIATE, THE DECISION TO CLOSE INTERMOUNTAIN HAS BEEN A VERY EMOTIONAL ISSUE FOR EVERYONE CONCERNED OVER THE PAST FEW YEARS. THE CLOSURE OF THE SCHOOL FACILITY IN TERMS OF DIRECT ECONOMIC LOSS IS ESTIMATED TO BE IN EXCESS OF $6 MILLION ANNUALLY. ALTHOUGH THE CONSEQUENCES WILL BE SIGNIFICANT, IT WILL ALSO HAVE A PROFOUND AFFECT ON OUR SOCIAL AND CULTURAL LIFE AS WELL. I AM NOT HERE TODAY TO EVALUATE THE MERITS OF THE DECISION TO CLOSE THE SCHOOL. IN MY OPINION, THIS ISSUE HAS BEEN FULLY DEBATED OVER THE YEARS AND IT SHOULD BE PUT TO REST. NEVERTHELESS, IT IS MY MESSAGE TO YOU TODAY THAT THE CLOSURE DECISION DOES LEAVE OUR COMMUNITY WITH THE UNIQUE PROBLEM OF OVERCOMING THE AFFECT OF THE ECONOMIC DISLOCATION RESULTING FROM THE SCHOOL CLOSURE. IT IS MY STRONG BELIEF THAT H.R. 4143 WILL PROVIDE AN IMPORTANT REMEDY TO MITIGATE THE SERIOUS ECONOMIC IMPACTS DUE TO THE SCHOOL CLOSURE. THIS LEGISLATION AUTHORIZES THE TRANSFER OF THE REAL PROPERTY AND BUILDINGS THAT PRESENTLY EXIST AT THE INTERMOUNTAIN SCHOOL TO BRIGHAM CITY CORPORATION FOR FUTURE UTILIZATION. THIS ACTION WILL ENABLE A FOUNDATION FOR ORGANIZING A

COMMUNITY RESPONSE TO PLAN FOR THE ORDERLY REUSE AND DEVELOPMENT OF THE PROPERTY IN THE BEST INTEREST OF THE COMMUNITY.

RECOGNIZING THE MAGNITUDE OF THIS RESPONSIBILITY, I HAVE WITHIN THE PAST 60 DAYS ESTABLISHED A TASK FORCE COMPRISED OF A CROSS SECTION OF BUSINESS AND COMMUNITY LEADERS TO BEGIN TO IDENTIFY FEASIBLE ALTERNATIVES FOR POSSIBLE REUSE OF THE PROPERTY. IT IS MY CONTENTION THAT LOCAL INITIATIVE IS PARAMOUNT IN THIS MATTER TO DIRECT THE FUTURE USE OF THE PROPERTY. I FEEL STRONGLY THAT BECAUSE THE PROPERTY IS LOCATED WITHIN OUR MUNICIPAL BOUNDARIES, WE SHOULD PLAY A PRIMARY ROLE IN ITS ULTIMATE DISPOSITION. WITH THE PASSAGE OF THIS LEGISLATION, BRIGHAM CITY WOULD BE AFFORDED THE OPPORTUNITY TO PROMOTE ORDERLY ECONOMIC EXPANSION BY CONVERTING THE PROPERTY TO ITS HIGHEST BENEFICIAL USE. WITHOUT THIS ASSURANCE, THE COMMUNITY IS VULNERABLE TO POTENTIAL ABUSES OF THE PROPERTY AND THE "GOOD WILL" OF THE ULTIMATE LANDLORD WHO MAY NOT BE RESPONSIVE TO THE COMMUNITY'S BEST INTEREST AND LONG RANGE GOALS. FURTHERMORE, PASSAGE OF THIS LEGISLATION WILL AVOID THE INEVITABLE "TUG-OF-WAR" BETWEEN COMPETING INTERESTS WHICH WOULD COMPLICATE THE PROSPECT OF ACHEIVING A RATIONAL AND EFFICIENT LAND DISPOSAL PROCESS WHERE THIS PROPERTY IS CONCERNED. THE FAILURE TO TRANSFER THE PROPERTY TO BRIGHAM CITY WOULD CAUSE AN EXTREME HARDSHIP ON THE COMMUNITY AND WOULD JEOPARDIZE THE PROPERTY'S CHANCES OF ACHIEVING ITS HIGHEST AND BEST USE.

AS PREVIOUSLY MENTIONED, OUR COMMUNITY HAS HAD A LONG STANDING INVOLVEMENT WITH THE SUBJECT PROPERTY WHICH DESERVES MENTION. I THINK YOU WILL GAIN INSIGHT INTO THE REASONS WHY I FEEL BRIGHAM CITY SHOULD

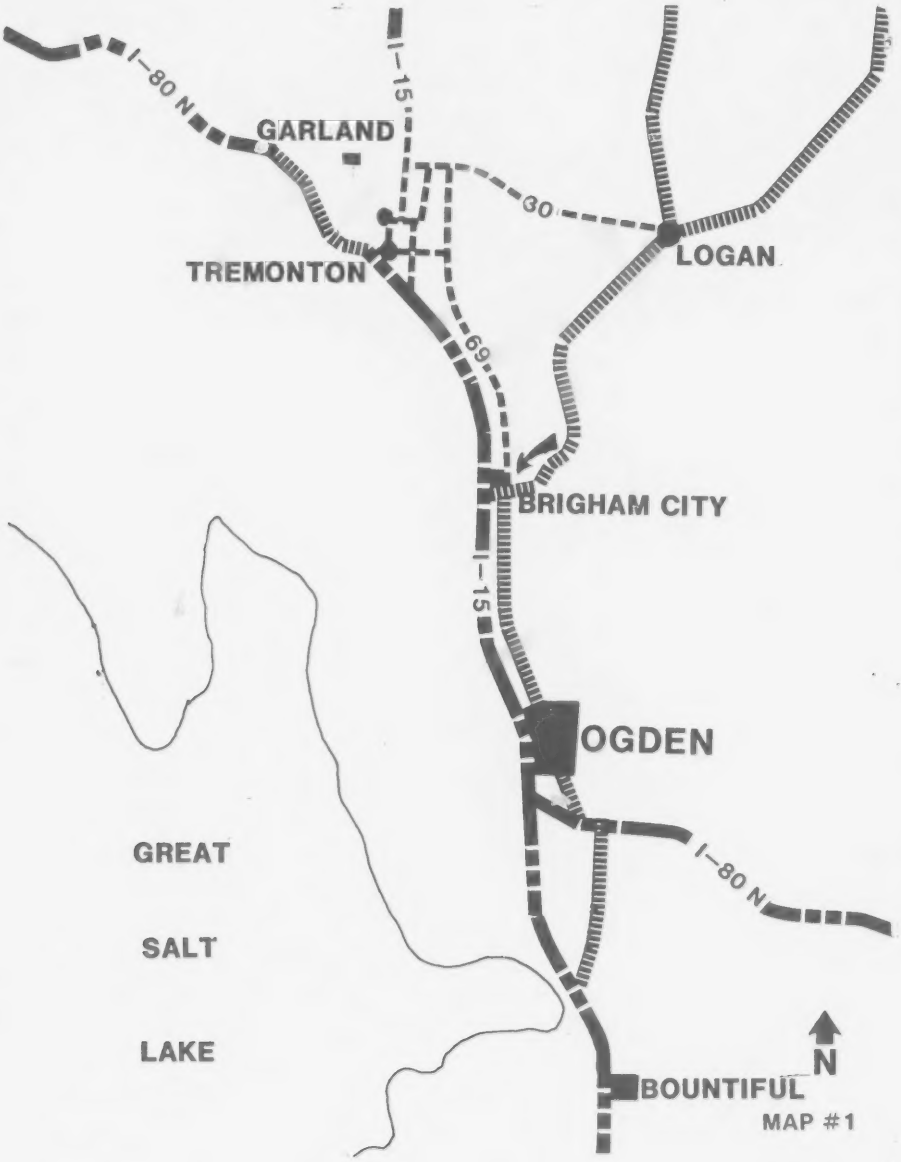
BE GIVEN FIRST PRIORITY FOR OBTAINING THE PROPERTY. I RECOGNIZE THAT UNDER CURRENT FEDERAL POLICY THAT FEDERAL AGENCIES ARE GIVEN FIRST CHOICE TO OBTAIN EXCESS PROPERTY; HOWEVER, I FEEL OUR SITUATION IS UNIQUE AND THEREFORE OUR REQUEST SHOULD BE GIVEN FAVORABLE CONSIDERATION BY THIS SUBCOMMITTEE FOR THE FOLLOWING REASONS:

FIRST THE CITIZENS OF BRIGHAM CITY UNDER THE INITIATIVE OF THE LOCAL ELECTED OFFICIALS ACQUIRED THE SUBJECT PROPERTY WITH ITS OWN FUNDS AND DONATED THE PROPERTY TO THE U.S. GOVERNMENT FOR USE AS AN ARMY HOSPITAL IN 1942.

SECOND THE CITY COUNCIL AT ITS OWN EXPENSE INSTALLED ALL ESSENTIAL PUBLIC SERVICES THAT HAVE SERVED THE PROPERTY INCLUDING: (1) ELECTRICAL POWER (2) WATER LINES (3) SEWAGE DISPOSAL (4) ACCESS ROADS AND (5) FURNISHED MATERIALS FOR CONSTRUCTION OF THE ORIGINAL BUILDINGS ON THE SITE. ALTHOUGH AN EXACT COST ESTIMATE IS NOT AVAILABLE, THE CITY'S CONTRIBUTION TOWARD THESE SERVICES WAS SIGNIFICANT.

THIRD THE CITY COUNCIL SUBSEQUENTLY VACATED CERTAIN PUBLIC STREETS ADJACENT TO THE PROPERTY TO PERMIT EXPANSION OF THE HOSPITAL FACILITY.

IN ADDITION TO THIS ORIGINAL INVOLVEMENT, THE CITY HAS OVER THE YEARS EXPANDED ITS ROLE TO PROVIDE POLICE AND FIRE PROTECTION TO THE SCHOOL FACILITIES. I THINK YOU WILL AGREE THAT BRIGHAM CITY HAS FROM THE INCEPTION MADE A VALUABLE CONTRIBUTION TO THE SUCCESSFUL OPERATION OF THE FACILITIES LOCATED ON THE SITE. THEREFORE OUR PROPIETARY INTERESTS ARE WELL ESTABLISHED AND I FEEL THE UNIQUE CIRCUMSTANCES PERTAINING TO OUR PAST INVOLVEMENT WITH THE PROPERTY HAS EXCEPTIONAL MERIT. THEREFORE, I URGE YOUR FAVORABLE CONSIDERATION OF OUR LONG ESTABLISHED INTEREST IN THE PROPERTY AND SUPPORT THE INTENT OF THIS BILL TO TRANSFER THE PROPERTY BACK TO OUR COMMUNITY. THIS ACTION WILL BE IN THE BEST INTEREST OF HARMONIOUS INTER-GOVERNMENTAL RELATIONS AND ASSURE THE PROPER MANAGEMENT OF THE FACILITIES IN THE FUTURE.


I-80 N
GARLAND
I-15
30
TREMONTON
LOGAN
69
BRIGHAM CITY
I-15
OGDEN
GREAT
SALT
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I-80 N
N
BOUNTIFUL
MAP #1

STATEMENT OF THE HONORABLE NORMAN D. SHUMWAY

Member of Congress

14th District, California

Mr. Chairman and distinguished members of the Subcommittee, I am delighted to appear before the Public Lands and Reserved Water Subcommittee to express my support for legislation authorizing a study of the Pony Express and California Trails for inclusion in the National Trails System. While I have an affinity for early western trails in general, I am particularly interested in the Pony Express portion of the House-passed Trails bill (H.R. 3787). Indeed, it is a privilege for me to speak on behalf of this never-to-be-forgotten chapter of American history. I am convinced that the Pony Express Trail is deserving of formal recognition as a National Historic Trail for three important reasons.

First, the eighteen month operation of the Pony Express constitutes an important turning point in American history. Before the advent of the telegraph, the Pony Express was the most direct and practical means of communication between east and west. The pioneers of transportation who organized this glorious experiment demonstrated the superior feasibility of a central overland mail route. The Pony Express also played a crucial role in aligning California (and her gold) with the Union during the outbreak of the Civil War.

Secondly, the Pony Express embodies the finest qualities of private enterprise, fortitude, courage, teamwork, and commitment to excellence. The heroics of the young horsemen who galloped along the route night and day through all kinds of weather and adversity have become legendary.

Thirdly, a Pony Express National Historic Trail will provide needed recreational opportunities and historic interpretation to persons of all ages, geographical locations, and physical abilities.

Trail segments, suitable for hiking or riding, and visitor sites (located at important landmarks) would be maintained in a variety of urban and rural settings. This form of public lands management is consistent with my view that our protected national resources be available for the enjoyment of everyone.

The Pony Express is also a living cultural record that recently caught the attention of the national media. Just last May in my own District, members of the National Pony Express Association were pressed into actual pony express service to deliver the mail following a massive landslide on U.S. Highway 50. Plainly, the spirit and ingenuity of the Pony Express live on.

I can assure the Subcommittee that no opposition to the Pony Express proposal has been expressed to my office by the twelve other House members whose Districts include a portion of the route. In fact, six of these collegues joined as cosponsors to H.R. 4134.

I was very pleased with the trail legislation developed by the House Interior Committee (H.R. 3787) and approved by the full House on May 2, 1984. This measure is actually a combination of three bills introduced by Hank Brown (H.R. 3787), Jimmy Quillen (H.R. 3198), and myself (H.R. 4134). The clean bill combined the feasibility studies of the Pony Express and California Trails into a single unit, with two separate chapters and recommendations for each respective trail. This modification will expedite the study and save taxpayer dollars.

I believe that we have an obligation to recognize, preserve and mark the historic ground that comprises these early trails--especially the Pony Express route. Certainly, the determination and daring enterprise of our trailblazing forefathers is deserving of special commemoration. The initial requirement of a thorough study prior to official designation is a scholarly approach that will document the historic background, identify the location of various trail components, and determine if land use conflicts exist. I urge favorable consideration of this non-controversial legislation.

THE PONY EXPRESS TRAIL

HON. NORMAN D. SHUMWAY
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. SHUMWAY. Mr. Speaker, I am introducing legislation that authorizes for study the Pony Express Trail as a national historic trail. The Pony Express fast mail relay system constituted a crucial turning point for western expansion and development. The route followed by the Pony Express represents an episode in our Nation's history that is worthy of this special recognition.

The Pony Express Trail ran between Saint Joseph, Mo.—the western terminus of the railroads in 1860—and extended to Sacramento, Calif., for a total distance of about 2,000 miles. Upon arrival in Sacramento, the letters and important dispatches were taken by steamer to anxious recipients in San Francisco. The route left Missouri and followed the well-traversed Oregon Trail through Kansas and along the Platte River in Nebraska. Before leaving Nebraska, the route dipped south into Julesburg, Colo., then headed north into South Pass, Wyo. At Fort Bridger, Wyo., the Pony Express Trail left the emigrant trail and swung south to Salt Lake City, Utah, before running due west across the salt desert and Badlands of Nevada, over the Sierra Nevada Mountains, and down into Sacramento.

Pony Express service began on April 3, 1860, and continued until October 24, 1861, when the first transcontinental telegraph line was completed. During the Pony's 18 months of glory, 318 runs were made each way for a total of approximately 600,000 miles. The mail was lost only once.

This perilous venture was conceived and operated by the freighting and stageline firm of Russell, Majors & Waddel. Important promotional support was provided by California Senator William M. Gwin. These pioneers of transportation intended to demonstrate the superior feasibility of a central overland mail route over the existing circuitous 2,800-mile southern route followed by the Overland Mail Stagecoach Co. The three entrepreneurs hoped to secure lucrative mail contracts as a result of this service.

The fearless riders who galloped along the route day and night through all kinds of weather and adversity deserve highest praise. Mail was carried in rainproof leather pouches or mochilas strapped to the front and back of the saddle. Each man rode about 75 miles at full speed, stopping only to transfer to fresh ponies at manned relay stations located at intervals of 10 to 15 miles. The heroics of these young horsemen, who averaged approximately 19 years of age, are well documented and inspired great American artists including painter Frederick Remington and author Mark Twain.

Although the Pony Express was a financial disaster for its proponents, it proved that correspondence could be delivered in 8 to 12 days over the central route. Like the transcontinental telegraph and railroad which succeeded it, the Pony Express provided an improved communications link between the widely separated eastern and western segments of the country. It heightened the demand for expedient transcontinental linkage prior to the outbreak of Civil War. In fact, the fastest time recorded by the Pony Express occurred in November 1860 when news of President Lincoln's election victory was carried from Fort Kearny, Nebr., to Fort Churchill, Nev., in 6 days. It is interesting to note that the Pony Express route is generally followed by the interstate highways and airplane flight paths of today.

Finally, the Pony Express is a cultural record that embodies the finest American qualities of private enterprise, fortitude, courage, teamwork, and commitment to excellence. Just last May, members of the National Pony Express Association, headquartered in Pollock Pines, Calif., were pressed into actual pony express service to deliver the mail following a massive landslide on Highway 50. Plainly, the spirit and ingenuity of the original Pony Express live on.

Specifically, my bill simply provides for a long-overdue study of the Pony Express Trail under the National Trails System Act. Such studies are conducted by the National Park Service under the direction of the Department of the Interior.●

STATEMENT OF HON. FRANK HORTON, A U.S. REPRESENTATIVE FROM THE STATE OF NEW YORK

Mr. Chairman, Members of the Subcommittee, I would like to thank you for the early attention which you are giving S. 2331, a bill to allow the Secretary of Interior to acquire the McClintock House in Waterloo, New York. The McClintock House is an historic landmark and a designated part of the Women's Rights National Historical Park.

Before discussing the McClintock House and the National Park, I would like to bring to your attention the tremendous support this legislation enjoys. S. 2331 is supported by the citizens of Seneca Falls and Waterloo, the mayors of Seneca Falls and Waterloo, and the NY Congressional Delegation. In addition, an identical bill, which I introduced in the House, was overwhelmingly approved 404-13.

The Women's Rights National Historical Park was established in 1980 as a reminder of the many trials and triumphs of the founders of the Women's Rights Movement. Four houses and the Wesleyan Chapel in Seneca Falls and Waterloo, New York, were designated as the core elements of the Park in recognition of the unique role which this area played in the long struggle for equal rights for women.

Last year, Congress approved a $500,000 appropriation for the acquisition of property previously designated as part of the Women's Rights National Historical Park. The most famous of these sites, the Wesleyan Chapel, was the site of the first National Women's Rights Convention in 1848. At that convention, Elizabeth Cady Stanton, Susan B. Anthony, and other leaders of the early movement, introduced the "Declaration of Sentiments." This document, modeled after the Declaration of Independence, is now recognized as one of the 50 most important documents in American history.

The Declaration of Sentiments, contained twelve resolutions, eleven of which the three hundred convention participants passed unanimous I think that you would agree that it is the twelfth resolution, which was offered by Elizabeth Cady Stanton and which only narrowly passed, that has had the greatest impact upon our Nation, and, inde this institution. I would like to share this resolution with you now:

> "Resolved, that it is the sacred duty of the women of this country to secure for themselves the sacred right to the elective franchise."

With these words, Elizabeth Cady Stanton and others embarked upon one of the most important political sojourns in our history-- the long and difficult quest for equal rights for women.

The McClintock House was designated part of the Women's Rights National Historical Park because it shared in this important moment in American history. Here, at the McClintock Home, Elizabeth Cady Stanton, Mary Ann McClintock, and others, gathered to draft the Declaration of Sentiments. Those of you who have visited the Museum of American History in the Smithsonian Institute, probably noticed a display dedicated to the women's rights movement which contains a small wooden table. This was the very table at which these women sat as the planned the early movement and drafted this historic declaration.

As I mentioned earlier, the purpose of this legislation is to amend P.L. 96-607 to allow the Secretary of Interior to acquire and preserve the McClintock House in a manner consistent with the historical significance of this building. The authority for

acquisition of this property was withheld at the time the original bill was drafted because the Waterloo Baptist Church, which owned and used the property, wished to continue its use. Legislators drafting the bill were concerned that acquisition authority might raise the spector of church-state conflict. The Parish of the Waterloo Baptist Church, whose meeting hall adjoins the McClintock House, moved in 1981 and placed the property up for sale.

The problems associated with the acquisition of the house, while important at the tim, are no longer relevant. S. 2331 has the full support of the Parish and pastor of the Waterloo Baptist Church.

The McClintock House, and, indeed, the entire Women's Rights National Historical Park provide outstanding examples of the progress which can be made when a local community and the Federal government work together to preserve and promote an historic landmark. You will be interested to know that through the prudent administration of the $500,000 Congress approved last year for property acquisition, the Park retained enough money to cover the costs of the purchase of the McClintock House.

Mr. Chairman, I wish to thank you and my good friends Senators D'Amato and Moynihan for your assistance with this bill. I will do everything that I can to assist you and urge you to favorably report this bill.

Senator WALLOP. That leaves us waiting for Senator Hatch with Bobbi Fiedler from the 21st district of California, and the Honorable Howard Berman from the 26th district of California. They should arrive and we will hear their testimony. I will begin with the administration's testimony, Deputy Director Mary Lou Grier, National Park Service; Associate Deputy Chief, National Forest System, Gary E. Cargil; and Director, Richard M. Balsiger, Office of Administration, Bureau of Indian Affairs; and Assistant Director, Frank Edwards, Assistant Director for Land Resources. If you would approach and begin your testimony. Let me just say we will start with Senate Joint Resolution 277, which is Mr. Thurmond, Mr. Warner, and Mr. Trible's bill.

Ms. GRIER. Do you want to take one at a time.

Senator WALLOP. Yes. We will start with that and follow with S. 648, S. 1859, and just go right on down the list. If there is other administration testimony on the same bill, why don't we get it intact before moving on to the next bill.

STATEMENT OF MARY LOU GRIER, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S.J. RES. 277 AND S. 1899

Ms. GRIER. I appreciate the opportunity to provide the subcommittee with our views on the several legislative proposals before you dealing with certain National Park System areas and programs.

Since my prepared statement covers six bills and 15 pages, and as you requested in the interest of conserving time, I would like to submit it for the record and highlight the portions of the bills and our position on each.

With regard to Senate Joint Resolution 277, American Armored Force Memorial which authorizes several military and veterans associations jointly to erect a memorial to honor those who have served in armored units of the U.S. Armed Forces and those who continue to serve to maintain world peace, to be located on Government property in Arlington, Mr. Chairman, we must recommend against enactment of this joint resolution.

Numerous memorial proposals place a constant demand on the parklands of the Nation's Capital and its environs. The Secretary of the Interior's National Capital Memorial Advisory Committee was established and recommends broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital region. The committee has recommended limiting the use of the remaining sites to memorializations of exceptional significance, quality, and value; and as to persons, their degree of achievement. The committee's policy is that only military memorials commemorating all members of the Armed Forces identified with a single event should be placed on the parklands in the Nation's Capital, such as the Vietnam Veterans Memorial which commemorates all members of the armed services who served in that conflict and also the Navy Memorial, which will soon be erected and which commemorates all naval personnel.

This resolution would commemorate only those members of the Armed Forces who served in armored units. While the advisory

committee has not had an opportunity to review the specific memorial proposed, we believe that commemorating certain units of the Armed Forces would not be consistent with the policy recommended by that committee.

With regard to S. 1889, Congaree Swamp National Monument Visitor Center designation as the "Harry R.E. Hampton Visitor Center," we recommend enactment of S. 1889.

Mr. Hampton pursued a vocation as a newspaperman, but his avocation was that of an ardent conservationist. He helped create the South Carolina Game and Fish Association and was active in the formation of South Carolina's Wildlife and Marine Resources Department. He raised the public's awareness about the beauty and value of Congaree Swamp as a southern hardwood-forested swamp. As a result of his efforts, Congress passed an act establishing the national monument. We feel that such a designation is truly fitting in light of Mr. Hampton's long history of involvement, not only with Congaree Swamp National Monument, but with other conservation issues as well.

S. 2015, Black Canyon——

Senator WALLOP. We have skipped a couple on the agenda, but it doesn't make any difference. Could we have the testimony on S. 648? That is the Forest Service.

[The prepared statement of Ms. Grier follows:]

STATEMENT OF MARY LOU GRIER, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING LEGISLATION PERTAINING TO CERTAIN UNITS OF THE NATIONAL PARK SYSTEM AND NATIONAL PARK SERVICE PROGRAMS.

MAY 22, 1984

MR. CHAIRMAN, I APPRECIATE THE OPPORTUNITY TO PROVIDE YOUR SUBCOMMITTEE WITH OUR VIEWS ON THE SEVERAL LEGISLATIVE PROPOSALS BEFORE YOU DEALING WITH CERTAIN NATIONAL PARK SYSTEM AREAS AND PROGRAMS.

S.J. RES. 277 -- AMERICAN ARMORED FORCE MEMORIAL.

THIS MEASURE AUTHORIZES SEVERAL MILITARY AND VETERANS ASSOCIATIONS JOINTLY TO ERECT A MEMORIAL TO HONOR THOSE WHO HAVE SERVED IN ARMORED UNITS OF THE UNITED STATES ARMED FORCES, AND THOSE WHO CONTINUE TO SERVE TO MAINTAIN WORLD PEACE. IT DIRECTS THE SECRETARY OF THE INTERIOR TO SELECT, WITH THE APPROVAL OF THE COMMISSION OF FINE ARTS AND THE NATIONAL CAPITAL PLANNING COMMISSION, A SITE ON GOVERNMENT PROPERTY IN ARLINGTON FOR THE MEMORIAL. THE MEASURE CONTAINS THE USUAL PROVISIONS REQUIRING APPROVAL OF THE DESIGN, PROVIDING FOR PRIVATE FUNDING EXCEPT FOR MAINTENANCE, AND REQUIRING ASSURANCES THAT FUNDS WILL BE AVAILABLE TO INSURE COMPLETION OF THE MEMORIAL. NORMALLY, MEMORIAL LEGISLATION IS NOT SITE SPECIFIC, AS IDENTIFIED IN THIS RESOLUTION.

WE RECOMMEND AGAINST ENACTMENT OF THIS JOINT RESOLUTION.

NUMEROUS MEMORIAL PROPOSALS PLACE A CONSTANT DEMAND ON THE PARKLANDS OF THE NATION'S CAPITAL AND ITS ENVIRONS. IN ORDER TO PROTECT THE CONCEPT OF OPEN SPACE AND DIGNITY WHICH CONTRIBUTES SO MUCH TO THE BEAUTY OF THE CAPITAL, THE SECRETARY OF THE INTERIOR'S NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE WAS ESTABLISHED ADMINISTRATIVELY UNDER THE FEDERAL ADVISORY COMMITTEE ACT. AMONG THE PURPOSES OF THE COMMITTEE WAS THAT OF RECOMMENDING BROAD CRITERIA, GUIDELINES, AND POLICIES FOR MEMORIALIZING PERSONS AND EVENTS ON FEDERAL LANDS IN THE NATIONAL CAPITAL REGION. THE COMMITTEE'S CRITERIA AND GUIDELINES RECOMMENDED LIMITING THE USE OF THE REMAINING SITES TO MEMORIALIZATIONS OF EXCEPTIONAL SIGNIFICANCE, QUALITY AND VALUE; AND AS TO PERSONS, THEIR DEGREES OF ACHIEVEMENT. THE COMMITTEE'S POLICY IS THAT ONLY MILITARY MEMORIALS

COMMEMORATING ALL MEMBERS OF THE ARMED FORCES IDENTIFIED WITH A SINGLE EVENT SHOULD BE PLACED ON PARKLANDS IN THE NATION'S CAPITAL. THE RECENTLY COMPLETED VIETNAM VETERANS MEMORIAL, FOR EXAMPLE, COMMEMORATES ALL MEMBERS OF THE ARMED FORCES WHO SERVED IN THAT CONFLICT, AND THE NAVY MEMORIAL WHICH WILL SOON BE CONSTRUCTED ON PENNSYLVANIA AVENUE AT 8TH STREET WILL COMMEMORATE ALL NAVAL PERSONNEL.

THERE ARE EXISTING 80 MEMORIALS WHICH ARE LOCATED ON PARKLANDS IN WASHINGTON, D.C., AND ITS ENVIRONS. MANY OF THESE COMMEMORATE MILITARY HEROES DATING BACK TO THE REVOLUTIONARY WAR, AND VARIOUS MILITARY UNITS. AS A RESULT, MOST OF THE DESIRABLE MEMORIAL SPACES HAVE BEEN TAKEN. IT IS OUR UNDERSTANDING FROM DISCUSSIONS WITH THE AMERICAN BATTLE MONUMENTS COMMISSION (A MEMBER OF THE MEMORIAL ADVISORY COMMITTEE), THAT THERE ARE OVER 150 DIVISION SIZE UNITS OF ALL THE ARMED FORCES, WHICH HAVE PARTICIPATED IN COMBAT. IF EACH OF THESE UNITS OR GROUPS OF UNITS WERE TO ASK THE CONGRESS FOR THE USE OF FEDERAL PARKLANDS, THERE WOULD NOT BE ENOUGH OPEN SPACE AVAILABLE TO ACCOMMODATE THE MEMORIALIZATIONS.

S.J. RES. 277 WOULD COMMEMORATE ONLY THOSE MEMBERS OF THE ARMED FORCES WHO SERVED IN ARMORED UNITS. WHILE THE ADVISORY COMMITTEE HAS NOT HAD AN OPPORTUNITY TO REVIEW THE SPECIFIC MEMORIAL PROPOSED IN S.J. RES. 277, WE BELIEVE THAT COMMEMORATING ONLY CERTAIN UNITS OF THE ARMED FORCES WOULD NOT BE CONSISTENT WITH THE POLICY RECOMMENDED BY THE ADVISORY COMMITTEE.

S. 1889 - CONGAREE SWAMP NATIONAL MONUMENT VISITOR CENTER DESIGNATION AS THE "HARRY R.E. HAMPTON VISITOR CENTER"

S. 1889 PROVIDES FOR THE DESIGNATION OF THE PRINCIPAL VISITOR CENTER, WHEN BUILT, AS THE "HARRY R. E. HAMPTON VISITOR CENTER" IN HONOR OF HIS ROLE IN ESTABLISHING THE CONGAREE SWAMP NATIONAL MONUMENT, SOUTH CAROLINA, AS A UNIT OF THE NATIONAL PARK SYSTEM.

WE RECOMMEND ENACTMENT OF S. 1889.

HARRY RUTLEDGE ELLIOTT HAMPTON WAS BORN ON JULY 8, 1897, NEAR COLUMBIA, SOUTH CAROLINA. AFTER GRADUATING WITH A DEGREE IN ENGLISH FROM THE UNIVERSITY OF SOUTH CAROLINA, MR. HAMPTON PURSUED A VOCATION AS A REPORTER, COLUMNIST, AND COEDITOR FOR THE STATE NEWSPAPER. HIS AVOCATION, HOWEVER, WAS THAT OF AN ARDENT CONSERVATIONIST. IN FACT, IN 1931, HE HELPED CREATE THE SOUTH CAROLINA GAME AND FISH ASSOCIATION AND WAS LATER ACTIVE IN THE FORMATION OF SOUTH CAROLINA'S WILDLIFE AND MARINE RESOURCES DEPARTMENT. BY 1954, MR. HAMPTON HAD STARTED HIS EFFORTS TO RAISE THE PUBLIC'S AWARENESS ABOUT THE BEAUTY AND VALUE OF CONGAREE SWAMP AS A SOUTHERN HARDWOOD FORESTED SWAMP. AS A RESULT OF HIS EFFORTS, AS WELL AS THOSE OF OTHERS, CONGRESS PASSED AN ACT, WHICH WAS SIGNED INTO LAW ON OCTOBER 18, 1976, ESTABLISHING THE CONGAREE SWAMP NATIONAL MONUMENT. MR. HAMPTON DIED IN 1980.

MR. CHAIRMAN, WE FEEL THAT SUCH A DESIGNATION IS TRULY FITTING IN LIGHT OF MR. HAMPTON'S LONG HISTORY OF INVOLVEMENT WITH NOT ONLY CONGAREE SWAMP NATIONAL MONUMENT BUT ALSO WITH OTHER CONSERVATION ISSUES AS WELL.

S. 2015--BLACK CANYON OF THE GUNNISON NATIONAL MONUMENT BOUNDARY.

S. 2015 WOULD EXPAND THE BOUNDARY OF BLACK CANYON OF THE GUNNISON NATIONAL MONUMENT, COLORADO, IN ORDER TO INSURE THE PRESERVATION AND INTEGRITY OF THE VISUAL, NATURAL, HISTORIC, AND CULTURAL RESOURCES OF THE MONUMENT. THE NEED TO PROTECT THE QUALITIES OF THE LANDS SURROUNDING BLACK CANYON OF THE GUNNISON WAS IDENTIFIED THROUGHOUT THE GENERAL MANAGEMENT PLANNING PROCESS FOR THE MONUMENT, AND THE NECESSITY OF PROTECTING THE NORTH RIM OF THE CANYON FROM DEVELOPMENT HAS BEEN STUDIED THOROUGHLY DURING THE PAST TEN YEARS. ALL ATTEMPTS TO PROTECT THESE LANDS THROUGH COOPERATIVE MEASURES WITH LOCAL AUTHORITIES HAVE FAILED. THIS LEGISLATION WOULD PROVIDE THE AUTHORITY TO PROTECT ADEQUATELY THE RESOURCES ON PRIVATE LANDS WHICH LIE BETWEEN THE CURRENT MONUMENT BOUNDARY AND THE RIDGETOPS.

S. 2015 WOULD ACCOMPLISH THIS PROTECTION BY AUTHORIZING AND DIRECTING THE SECRETARY TO ACQUIRE ALL LANDS AND INTERESTS THEREIN WITHIN THE PROPOSED EXPANDED BOUNDARY. WHILE THE SECRETARY IS FURTHER DIRECTED TO ACQUIRE LESS-THAN-FEE INTERESTS IN SUCH LANDS WHERE SUCH INTEREST WOULD ADEQUATELY PROTECT THE RESOURCES, THE SECRETARY IS ALSO DIRECTED TO ACQUIRE FEE SIMPLE TITLE TO LANDS IF REQUESTED BY THE OWNER OR IF FEE SIMPLE TITLE IS REQUIRED FOR THE PROTECTION OF THE RESOURCES. LANDS UNDER THE ADMINISTRATIVE JURISDICTION OF OTHER AGENCIES WOULD BE TRANSFERRED TO THAT OF THE NATIONAL PARK SERVICE FOR INCLUSION WITHIN THE MONUMENT BOUNDARY.

THE LEGISLATION WOULD PERMIT, AS A CONDITION OF ACQUISITION OF ANY LESS-THAN-FEE INTEREST, CONTINUATION OF LIVESTOCK GRAZING AND COMMONLY ACCEPTED OPERATION AND MAINTENANCE PRACTICES IN SUPPORT OF THE GRAZING. S. 2015 WOULD ALSO, SUBJECT

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TO VALID EXISTING RIGHTS, WITHDRAW FROM ENTRY OR APPROPRIATION FEDERALLY OWNED LANDS AND INTERESTS THEREIN UNDER THE LAWS CONCERNING MINING, MINERAL LEASING, AND GEOTHERMAL DEVELOPMENT AS WELL AS THOSE LAWS RELATING TO PUBLIC LAND DISPOSITION.

FINALLY, THERE IS AN AUTHORIZATION FOR APPROPRIATIONS TO ACCOMPLISH THE PURPOSES OF THE LEGISLATION SUBJECT, OF COURSE, TO BUDGET ACT CONSIDERATIONS.

MR. CHAIRMAN, WE MUST OPPOSE ENACTMENT OF S. 2015 UNLESS AMENDED AS FOLLOWS:

THERE ARE APPROXIMATELY 7,200 ACRES OF LANDS INVOLVED. OF THAT, APPROXIMATELY 6,400 ACRES ARE IN PRIVATE OWNERSHIP AND APPROXIMATELY 773 ACRES ARE IN PUBLIC OWNERSHIP. AS CURRENTLY DRAFTED, SECTION 4(a) NOT ONLY WOULD AUTHORIZE BUT ALSO WOULD DIRECT THE SECRETARY TO ACQUIRE EITHER FEE OR LESS-THAN-FEE TITLE TO ALL LANDS WITHIN THE EXPANDED BOUNDARY. IT WOULD FURTHER REQUIRE THE SECRETARY TO ACQUIRE AT THE REQUEST OF AN OWNER FEE SIMPLE TITLE. MR. CHAIRMAN, OUR PRIMARY CONCERN IS THE PROTECTION OF THE VIEWSHED ALONG THE NORTH RIM OF BLACK CANYON OF THE GUNNISON NATIONAL MONUMENT. THIS STRONGLY SUGGESTS THAT OTHER FORMS OF PROTECTION, SUCH AS EASEMENTS, WOULD PROVIDE ADEQUATE PROTECTION FOR THE FEDERAL INTEREST WHILE LEAVING LAND IN PRIVATE OWNERSHIP AND ALLOWING FOR CONTINUED USES.

FURTHERMORE, THIS LEGISLATIVE REQUIREMENT WOULD BE CONTRARY TO THE DEPARTMENT'S LAND PROTECTION POLICY PUBLISHED ON MAY 7, 1982, IN THE FEDERAL REGISTER. THIS POLICY WAS ADOPTED IN RESPONSE TO CONCERNS EXPRESSED BY YOUR COMMITTEE THROUGH ITS WORKSHOPS, BY GAO, THE APPROPRIATIONS COMMITTEES, AND LANDOWNERS. IT REQUIRES

THAT THE NATIONAL PARK SERVICE USE "TO THE MAXIMUM EXTENT PRACTICAL COST-EFFECTIVE ALTERNATIVES TO DIRECT FEDERAL PURCHASE OF PRIVATE LANDS... AND WHEN ACQUISITION IS NECESSARY TO ACQUIRE ONLY THE MINIMUM INTEREST NECESSARY TO MEET MANAGEMENT OBJECTIVES." A LAND PROTECTION PLAN FOR BLACK CANYON IS SCHEDULED FOR COMPLETION THIS FISCAL YEAR AND WILL BE REVISED AS NECESSARY TO CONSIDER IN MORE DETAIL ANY ADDITIONAL LAND AUTHORIZED FOR PROTECTION BY CONGRESS.

BY DIRECTING THE SECRETARY TO ACQUIRE FEE SIMPLE TITLE AT THE REQUEST OF AN OWNER, AS OUTLINED IN SECTION 4(a), THE NATIONAL PARK SERVICE IS DENIED THE FLEXIBILITY TO DETERMINE AND IMPLEMENT THE APPROPRIATE LEVEL OF PROTECTION FOR THE RESOURCES. COOPERATION WITH LANDOWNERS IS CERTAINLY NECESSARY AND APPROPRIATE, BUT WE DO NOT BELIEVE THAT LANDOWNERS SHOULD HAVE THE FINAL WORD ON WHAT NEEDS TO BE ACQUIRED TO PROTECT THE NATIONAL MONUMNET. FURTHER, IF THE SECRETARY WERE REQUIRED TO PURCHASE FEE SIMPLE TITLE TO THE TOTAL ACREAGE CURRENTLY IN PRIVATE OWNERSHIP, IT COULD COST IN EXCESS OF $2.5 MILLION. THIS FIGURE IS NOT BASED ON ANY ACTUAL APPRAISALS BUT RATHER ON SOME INITIAL GROSS COST ESTIMATES PREPARED IN RESPONSE TO THIS LEGISLATION.

WE WOULD RECOMMEND TWO POSSIBLE SOLUTIONS TO THESE PROBLEMS. THE FIRST WOULD BE TO MODIFY THE PROPOSED BOUNDARY SO THAT LESS LAND IS INCLUDED. THE SECOND WOULD BE TO DELETE THE REQUIREMENT THAT THE SECRETARY ACQUIRE ALL LANDS OR INTERESTS THEREIN WITHIN THE EXPANDED BOUNDARY AS WELL AS THE REQUIREMENT THAT THE SECRETARY ACQUIRE FEE SIMPLE TITLE AT THE REQUEST OF THE OWNER. A SIMPLE AUTHORIZATION IS SUFFICIENT.

MR. CHAIRMAN, ALSO PENDING BEFORE YOUR COMMITTEE IS H.R. 3825 WHICH WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON MARCH 5, 1984. H.R. 3825, AS PASSED BY THE HOUSE, IS SIMILAR TO S. 2015; HOWEVER, THE HOUSE-PASSED VERSION STILL RETAINS THE REQUIREMENT THAT THE SECRETARY ACQUIRE ALL LANDS AND INTERESTS THEREIN WITHIN THE EXPANDED BOUNDARY. UNLIKE S. 2015, THE HOUSE-PASSED VERSION REQUIRES THE CONSENT OF THE OWNER IF FEE SIMPLE TITLE IS ACQUIRED.

WHILE SOME OF OUR CONCERNS HAVE BEEN ADDRESSED BY THE HOUSE, WE STILL MUST OPPOSE ENACTMENT OF EITHER BILL UNLESS THE SECRETARY HAS THE FLEXIBILITY TO DETERMINE WHAT LEVEL OF PROTECTION IS APPROPRIATE TO ACHIEVE THE INTENT OF THE LEGISLATION--IN THIS CASE, PROTECTION OF THE VIEWSHED.

S. 2082--OLMSTED HISTORIC LANDSCAPES ACT.

THIS BILL DIRECTS THE NATIONAL PARK SERVICE, WITHIN SEVEN YEARS, TO PREPARE AND PUBLISH AN INVENTORY OF OLMSTED HISTORIC LANDSCAPES. THE INVENTORY WOULD BE PREPARED IN CONSULTATION WITH THE ADVISORY COUNCIL ON HISTORIC PRESERVATION AND WITH PARTICIPATION OF STATE OFFICERS, PUBLIC AND PRIVATE ORGANIZATIONS, AND INDIVIDUALS. THE BILL DIRECTS THAT CERTAIN PROPERTIES BE STUDIED FOR POSSIBLE DESIGNATION AS NATIONAL LANDMARKS AND FOR LISTING ON THE WORLD HERITAGE LIST.

IN ADDITION, THE BILL DIRECTS THE SERVICE TO PROMULGATE STANDARDS FOR PRESERVATION OF HISTORIC LANDSCAPES, PROVIDE TECHNICAL ASSISTANCE ON IDENTIFICATION, COMMEMORATION, AND PRESERVATION OF OLMSTED HISTORIC LANDSCAPES, CONDUCT A 3-YEAR THEMATIC STUDY OF POTENTIAL HISTORIC LANDMARKS, AND ESTABLISH A PROGRAM FOR THE USE OF THE FREDERICK LAW OLMSTED NATIONAL HISTORIC SITE AS A CENTER FOR RESEARCH AND RELATED ACTIVITIES. THE BILL ALSO DIRECTS APPROPRIATE ACTIVITIES TO BE CONDUCTED DURING THE DECADE 1985-95 TO COMMEMORATE OLMSTED ACHIEVEMENTS, INCLUDING A SYMPOSIUM IN 1985, AN EXHIBIT AND FILM, AND OPENING OF COMPLETED ARCHIVES AT THE NATIONAL HISTORIC SITE. FINALLY, THE BILL ESTABLISHES AN ADVISORY COMMITTEE TO ASSIST THE ADVISORY COUNCIL ON HISTORIC PRESERVATION AND APPOINTED BY THE CHAIRMAN OF THAT BODY.

WE RECOMMEND AGAINST THE ENACTMENT OF S. 2082. THE GENERAL OBJECTIVES AS WELL AS SPECIFIC REQUIREMENTS OF THE BILL CAN ALL BE ACCOMPLISHED UNDER EXISTING LAWS AND PROGRAMS--SPECIFICALLY THE HISTORIC SITES ACT OF 1935 AND THE NATIONAL HISTORIC PRESERVATION ACT. FURTHER, THE ENACTMENT OF S. 2082 WITH ITS MANDATED

REQUIREMENTS WOULD EFFECTIVELY PLACE OLMSTED STUDIES, INVENTORIES, AND PROTECTION ASSISTANCE IN FIRST PRIORITY FOR STAFF TIME AND FUNDING. WE BELIEVE TO DO SO WOULD BE A MISTAKE WITHOUT AN ASSESSMENT OF THE OLMSTED'S WORK IN THE THEMATIC CONTEXT OF PARKS, LANDSCAPE ARCHITECTURE, AND URBAN PLANNING.

THE NATIONAL PARK SERVICE HAS AUTHORITY TO CONDUCT A THEME STUDY OF LANDSCAPE ARCHITECTURE TO DETERMINE WHAT PROPERTIES ARE NATIONALLY SIGNIFICANT AND DESERVING OF NATIONAL HISTORIC LANDMARK DESIGNATION. OLMSTED LANDSCAPES WOULD BE INCLUDED IN ANY SUCH STUDY, BUT SO ALSO WOULD THE WORKS OF OTHER LANDSCAPE ARCHITECTS THAT SHOULD BE IDENTIFIED AND PROTECTED. AT SUCH TIME AS BUDGETARY CONDITIONS PERMIT, WE WILL PROGRAM SUCH A NATIONAL HISTORIC LANDMARK THEME STUDY, BUT IT WILL BE BROADER THAN THE NARROW FOCUS OF S. 2082.

INVENTORIES OF THESE HISTORIC LANDSCAPES NEED NOT BE SOLELY A FEDERAL RESPONSIBILITY. WE UNDERSTAND THAT THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS HAS PLANS TO BEGIN A 10-YEAR MULTI-STATE EFFORT TO IDENTIFY AND INVENTORY HISTORIC LANDSCAPES; IN ADDITION, GROUPS THAT ARE INTERESTED SPECIFICALLY IN PRESERVING OLMSTED LANDSCAPES HAVE ALREADY DOCUMENTED MANY OF HIS EFFORTS. WE APPLAUD THESE INITIATIVES. MUCH OF WHAT S. 2082 MANDATES THE FEDERAL GOVERNMENT TO DO CAN BE AND IS BEING DONE BY INTERESTED PUBLIC AND PRIVATE GROUPS. WE WOULD LIKE TO WORK TOGETHER WITH SUCH GROUPS WHEN WE UNDERTAKE THE THEME STUDY.

S. 2331--WOMEN'S RIGHTS NATIONAL HISTORICAL PARK.

S. 2331 WOULD PERMIT THE SECRETARY OF THE INTERIOR TO ACQUIRE FEE SIMPLE TITLE TO THE MCCLINTOCK HOUSE AT 16 EAST WILLIAMS STREET, WATERLOO, NEW YORK, WHICH IS CURRENTLY IDENTIFIED FOR LESS-THAN-FEE ACQUISITION UNDER SECTION 1601(d) OF PUBLIC LAW 96-607. TITLE XVI OF PUBLIC LAW 96-607 AUTHORIZED THE ESTABLISHMENT OF THE WOMEN'S RIGHTS NATIONAL HISTORICAL PARK IN RECOGNITION OF THE WOMEN'S RIGHTS MOVEMENT IN THE UNITED STATES.

AS PASSED BY THE HOUSE, H.R. 4596 WOULD AUTHORIZE THE SECREATARY TO ACQUIRE FEE SIMPLE TITLE TO THE MCCLINTOCK HOUSE AND RELATED STRUCTURES AT 14 AND 16 EAST WILLIAMS STREET AND WOULD REQUIRE THE SECRETARY TO HAVE REMOVED ALL STRUCTURES FROM THE PROPERTY THAT ARE NOT RELEVANT TO THE HISTORIC INTEGRITY OF THE MCCLINTOCK HOUSE.

WE HAVE NO OBJECTION TO THE ENACTMENT OF THIS LEGISLATION.

MR. CHAIRMAN, DURING THE CONSIDERATION OF THE AUTHORIZING LEGISLATION FOR THIS PARK, THE NATIONAL PARK SERVICE FULLY SUPPORTED THE CONCEPT OF RECOGNIZING THE WOMEN'S RIGHTS MOVEMENT AS A SIGNIFICANT PART OF THE HISTORY OF THE UNITED STATES. THE SITES INVOLVED IN THE NATIONAL HISTORICAL PARK WERE WELL DOCUMENTED FROM A HISTORICAL POINT OF VIEW. CONGRESS, AFTER DELIBERATION, AUTHORIZED FEE SIMPLE ACQUISITION OF CERTAIN PROPERTIES AND LESS-THAN-FEE ACQUISITION OF OTHER PROPERTIES.

SINCE THE AUTHORIZATION OF THIS PARK, WORK HAS GONE FORWARD ON THE DEVELOPMENT OF A GENERAL MANAGEMENT PLAN AND THE PREPARATION OF A LAND PROTECTION PLAN, BOTH OF WHICH ARE NOT YET COMPLETE. YET TO BE UNDERTAKEN IS THE INTERPRETIVE PLAN.

MR. CHAIRMAN, WE HAVE KNOWN THAT THE MCCLINTOCK HOUSE HAS BEEN FOR SALE, ALONG WITH THE CHURCH LOCATED A FEW FEET AWAY, SINCE OUR STUDY TEAM PREPARED THE STUDY OF ALTERNATIVES THAT WAS ULTIMATELY TRANSMITTED TO CONGRESS IN 1979. SINCE THE MID-1970S NO MAJOR REPAIRS HAVE BEEN DONE TO EITHER STRUCTURE, SO THE PROCESS OF DETERIORATION HAS BEGUN TO ACCELERATE. SINCE THE OWNERS HAVE RELOCATED TO THEIR NEW FACILITIES IN AUGUST 1982, THE BUILDINGS HAVE STOOD VACANT.

MR. CHAIRMAN, THE NATIONAL PARK SERIVCE IS INTERESTED IN BEING INVOLVED IN THIS SITE. AFTER ALL, THE MCCLINTOCK HOUSE IS THE SITE WHERE THE DECLARATION OF SENTIMENTS WAS WRITTEN, WHICH IS CENTRAL TO WHAT HAPPENED AT SENECA FALLS, NEW YORK, IN 1848. THEREFORE, WITH THE FLEXIBILITY PROVIDED IN THIS LEGISLATION, THE NATIONAL PARK SERVICE WILL DETERMINE THE DEGREE OF OUR INVOLVEMENT AFTER BOTH THE GENERAL MANAGEMENT PLAN AND THE LAND PROTECTION PLAN ARE SUBMITTED TO THE DIRECTOR AND ASSISTANT SECRETARY FOR REVIEW AND CONCURRENCE.

S. 1695 AND H.R. 3787--PONY EXPRESS TRAIL STUDY.

S. 1695 WOULD AMEND THE NATIONAL TRAILS SYSTEM ACT TO AUTHORIZE A STUDY OF THE PONY EXPRESS TRAIL FROM SAINT JOSEPH, MISSOURI, TO SACRAMENTO, CALIFORNIA, THE FIRST SECTION OF H.R. 3787, WHICH PASSED THE HOUSE OF REPRESENTATIVES ON MAY 1, ALSO AUTHORIZES A STUDY OF THE PONY EXPRESS TRAIL, BUT IN CONJUNCTION WITH A STUDY OF THE CALIFORNIA TRAIL, FROM OMAHA AND SAINT JOSEPH TO VARIOUS POINTS IN CALIFORNIA.

WE HAVE NO OBJECTION TO THE ENACTMENT OF S. 1695. UNDER SECTION 5(b) OF THE NATIONAL TRAILS SYSTEM ACT THE STUDY REPORT WOULD BE DUE TO CONGRESS WITHIN THREE COMPLETE FISCAL YEARS. WE ESTIMATE THE COST OF COMPLETING THE STUDY TO BE $130,000.

UNDER THE FIRST SECTION OF H.R. 3787, THE STUDY REPORT ON THE PONY EXPRESS AND CALIFORNIA TRAILS WOULD BE DUE TO CONGRESS WITHIN TWO COMPLETE FISCAL YEARS. WE HAVE NO OBJECTION TO THE FIRST SECTION OF H.R. 3787 IF IT IS AMENDED TO DELETE THIS REQUIREMENT, THEREBY PERMITTING THREE YEARS FOR THE REPORT UNDER THE GENERIC PROVISIONS OF SECTION 5(b) OF THE TRAILS ACT.

PUBLIC LAW 98-11, APPROVED MARCH 28, 1983, AUTHORIZED SIX NEW TRAIL STUDIES, OF WHICH FOUR ARE THE RESPONSIBILITY OF THIS DEPARTMENT AND ARE BEING INITIATED THIS YEAR. THE REPORTS ON THE SIX TRAILS AUTHORIZED FOR STUDY IN PUBLIC LAW 98-11 ARE DUE TO CONGRESS BY OCTOBER 1, 1986. UNDER H.R. 3787 THE REPORT ON THE CALIFORNIA AND PONY EXPRESS TRAILS WOULD BE DUE AT THE SAME TIME. WITH THESE REQUIREMENTS TO COMPLETE THE STUDIES ALREADY AUTHORIZED, WE COULD NOT ASSURE YOUR COMMITTEE THAT WE COULD COMPLETE THE NEW STUDY WITHIN THE TIME SET FORTH IN H.R. 3787. WE RECOMMEND, THEREFORE, THAT THE NORMAL DEALINE OF THREE FISCAL YEARS BE APPLIED IF H.R. 3787 IS ACTED UPON FAVORABLY.

THE COST OF COMPLETING THE CALIFORNIA TRAIL STUDY WOULD BE APPROXIMATELY $75,000 IF DONE SEPARATELY. THE CALIFORNIA AND PONY EXPRESS TRAIL ROUTES ARE CONTIGUOUS OR CLOSELY RELATED, HOWEVER, FOR SIGNIFICANT PORTIONS OF THEIR LENGTHS, AND IT WOULD BE APPROPRIATE TO STUDY BOTH CONCURRENTLY, AS PROVIDED IN H.R. 3787, AT AN ESTIMATED COST OF APPROXIMATELY $150,000.

SECTION 2 OF H.R. 3787 RECOGNIZES THE REGIONAL SIGNIFICANCE OF DANIEL BOONE BY AUTHORIZING ACCEPTANCE AND PLACEMENT OF MARKERS AT APPROPRIATE LOCATIONS.

PUBLIC LAW 94-527 WAS APPROVED ON OCTOBER 17, 1976. THAT LAW DESIGNATED EIGHT TRAIL ROUTES FOR STUDY AS POTENTIAL COMPONENTS OF THE NATIONAL TRAILS SYSTEM, INCLUDING THE DANIEL BOONE TRAIL. WITH THE COOPERATION OF THE STATES OF KENTUCKY, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND WITH THE COOPERATION OF OTHER FEDERAL AGENCIES, LOCAL GOVERNMENTS, AND PRIVATE INDIVIDUALS AND ORGANIZATIONS, THE NATIONAL PARK SERVICE LED THE STUDY AND THE PREPARATION OF THE REPORT TO CONGRESS. THE REPORT WAS SUBMITTED TO CONGRESS ON NOVEMBER 22, 1983.

THE TRAIL ROUTE WAS EVALUATED BOTH AS A POTENTIAL NATIONAL SCENIC TRAIL AND AS A POTENTIAL NATIONAL HISTORIC TRAIL. THE STUDY FOUND THAT THE ROUTE WOULD QUALIFY AS A NATIONAL SCENIC TRAIL, BUT ESTABLISHMENT AS A COMPONENT OF THE NATIONAL TRAILS SYSTEM WOULD REQUIRE EXTENSIVE ACQUISITION OF PRIVATE LAND FOR A RIGHT-OF-WAY. THE ROUTE EVALUATED AS A POTENTIAL SCENIC TRAIL COVERED 450 MILES, OF WHICH FROM 314 TO 336 MILES TRAVERSED PRIVATE LAND. COST ESTIMATES FOR LAND ACQUISITION RANGED FROM $35 MILLION FOR A 500-FOOT-WIDE CORRIDOR TO $70 MILLION FOR A 1,000-FOOT-WIDE CORRIDOR. ANNUAL OPERATING COSTS WERE ESTIMATED TO BE $125,000. OUR REPORT CONCLUDED THAT, BECAUSE OF THESE COSTS, IT IS NEITHER FEASIBLE NOR DESIRABLE TO PROPOSE DESIGNATION AS A NATIONAL SCENIC TRAIL.

EVALUATION OF THE TRAIL ROUTE AS A POTENTIAL NATIONAL HISTORIC TRAIL LED TO THE FINDING THAT, WHILE THE TRAIL ROUTE ESTABLISHED BY DANIEL BOONE WAS AN IMPORTANT ROUTE OF EXPLORATION AND SETTLEMENT IN THE 18TH CENTURY, IT WAS NOT AN HISTORIC ROUTE OF TRAVEL WHICH HAD FAR-REACHING EFFECTS ON BROAD PATTERNS OF AMERICAN CULTURE. THIS FINDING LED TO THE CONCLUSION BY THE NATIONAL PARK SYSTEM ADVISORY BOARD THAT THE ROUTE DID NOT MEET THE NATIONAL TRAILS SYSTEM ACT CRITERIA OF NATIONAL HISTORIC SIGNIFICANCE.

BASED ON THE STUDY WE RECOMMENDED THAT THE ROUTE NOT BE DESIGNATED AS EITHER A NATIONAL SCENIC OR HISTORIC TRAIL. OUR STUDY REPORT DID, HOWEVER, IDENTIFY ACTIONS THAT COULD BE TAKEN TO RECOGNIZE DANIEL BOONE SHORT OF DESIGNATING THE ROUTE AS A COMPONENT OF THE NATIONAL TRAILS SYSTEM. ONE SUCH ACTION WAS CONGRESSIONAL AUTHORIZATION FOR THE SECRETARY OF THE INTERIOR TO ACCEPT DONATIONS OF MARKERS FOR PLACEMENT ON LANDS UNDER HIS ADMINISTRATION AND ON OTHER FEDERAL LANDS WITH THE CONCURRENCE OF THE HEAD OF THE ADMINISTERING AGENCY. THIS IS THE APPROACH TAKEN BY SECTION 2 OF H.R. 3787. THE BILL FURTHER PROVIDES THAT THE DETERMINATION OF WHERE TO PLACE MARKERS SHALL BE MADE IN CONSULTATION WITH PRIVATE INTERESTS AND LOCAL AND STATE GOVERNMENTS.

WE SUPPORT SECTION 2 OF H.R. 3787. WE BELIEVE IT IS A PROPER WAY TO RECOGNIZE THE HIGH DEGREE OF LOCAL AND REGIONAL INTEREST IN DANIEL BOONE, AND IT WILL REQUIRE NO ADDITIONAL FEDERAL APPROPRIATIONS. WE NOTE, MR. CHAIRMAN, THAT THE CONGRESS ADOPTED A SIMILAR APPROACH TO THE BARTRAM TRAIL IN PUBLIC LAW 98-11.

STATEMENT OF GARY E. CARGILL, ASSOCIATE DEPUTY CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE, ON S. 648

Mr. CARGILL. Mr. Chairman, I will summarize my remarks. We have submitted written testimony.

We appreciate the opportunity to appear here today to offer our views on S. 648. The Department of Agriculture supports the enactment of S. 648, but recommends that the bill be amended to apply to all such situations occurring on National Forest System lands. Amendments to accomplish our recommendation are listed in the attachment to the statement.

This hydroelectric project occupies about 1,000 acres of Federal land, most of which is under water, that is a part of the Francis Marion National Forest. The land has been withdrawn for power purposes by FERC under authority of section 24 of the 1920 act and is under permit to the authority. An annual fee, currently $13,454, is charged by FERC for the use of the inundated lands.

The authority has reached an agreement with the Forest Service that a land exchange be made. The Forest Service would convey the approximately 1,000 acres of flooded lands to the authority, and the authority would convey to the Forest Service a 210-acre parcel and other lands or cash equivalent to equal value within the national forest.

The FERC Commission approval of the exchange is required. Approval was given by an FERC order dated April 6, 1981. However, FERC indicated in giving the approval that the authority would have to continue paying the annual charge for the lands it would acquire. We understand this is because FERC does not have the authority to vacate a withdrawal of the Federal lands since it will continue to administer a license for the project and thus must collect an annual fee under the 1920 act's provisions. This dilemma has precluded the authority from consummating the land exchange.

We would expect to convey the mineral interest with the land. We would be required to advise FERC that we would be receiving adequate consideration which we interpret to mean fair-market value.

Other hydroelectric projects occupying National Forest System lands are similarly affected by FERC's action on this case. The Sultan Basin project in Washington is an example in which we could benefit from land exchanges.

Thus, while we support the purposes of S. 648, we believe that it should apply to all projects where the incentive for land disposals by sales or exchanges are diminished by the Federal Power Act's requirement that a fee be charged even though the United States would no longer own the land.

By replacing these flooded National Forest System lands with those capable of producing other benefits, including timber, wildlife habitat, and recreation opportunities, the public would benefit.

That concludes my remarks on S. 648. However, I wish to add, as the committee may know, the Senate Agriculture Committee is considering the bill S. 1754 on a similar subject, and I point this out only to be sure you are aware so the committee has an opportunity to coordinate as you see fit.

[The prepared statement of Mr. Cargill on S. 648 follows:]

STATEMENT OF
GARY E. CARGILL
ASSOCIATE DEPUTY CHIEF, FOREST SERVICE
U.S. DEPARTMENT OF AGRICULTURE

Before The
Subcommittee on Public Lands and Reserved Water
Committee on Energy and Natural Resources
United States Senate

Concerning S. 648

May 22, 1984

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to appear here today to offer the Department of Agriculture's views on S. 648. This bill would prohibit the Federal Energy Regulatory Commission (FERC) from charging the South Carolina Public Service Authority, as owner/operator of the Santee-Cooper Hydroelectric Project, an annual fee for administering the license and for the use of certain Federal lands occupied by the project, as required under section 10(e) of the Federal Power Act, if such lands are conveyed by the Department of Agriculture to the Authority.

The Department of Agriculture supports the enactment of S. 648, but recommends that the bill be amended to apply to all such situations occurring on National Forest System lands. Amendments to accomplish our recommendation are listed in the attachment to my statement.

This hydroelectric project occupies about 1,000 acres of Federal land, most of which is under water, that is a part of the Francis Marion National Forest. The land has been withdrawn for power purposes by FERC under authority of section 24 of the 1920 Act and is under permit to the Authority. An annual fee, currently $13,454, is charged by FERC for the use of inundated lands.

In an effort to avoid paying these annual fees, the Authority has reached an agreement with the Forest Service that a land exchange be made. The Forest Service would convey the approximately 1,000 acres of flooded lands, which are of little or no use for National Forest purposes, to the Authority which would convey to the Forest Service a 210-acre parcel and other lands or cash equivalent to equal value within the National Forest. This exchange is authorized by section 7 of the Weeks Law of 1911 and section 206 of the Federal Land Policy and Management Act of 1976. Those authorities require that the two parcels be of equal value. We have agreed to the exchange.

The Commission's approval of the exchange is required. Approval was given by a FERC order dated April 6, 1981. However, FERC indicated, in giving the approval, that the Authority would have to continue paying the annual charge to FERC for the lands it would acquire. We understand that this is because FERC does not have authority to vacate a withdrawal of the Federal lands since it will continue to administer a license for the project and thus must collect an annual fee under the 1920 act's provisions. This dilemma has precluded the Authority from consummating the land exchange. By prohibiting FERC's charging of the annual fee, the bill would facilitate completion of the land exchange. The exchange, however, would be made under our existing authorities. We would expect to convey the mineral interests with the land. We would be required to advise FERC that we would be receiving adequate consideration, which we interpret to mean fair market value.

Other hydrolectric projects occupying National Forest System lands are similarly affected by FERC's action on this case. The Sultan Basin project in Washington, and potentially other projects that are paying, or are subject to, fees for inundated Federal lands, could benefit from land exchanges.

Thus, while we support the purposes of S. 648, we believe that it should apply to all projects where the incentive for land disposals by sales or exchanges are diminished by the Federal Power Act's requirement that a fee be charged even though the United States would no longer own the land. Only a small percentage of the licenses for hydroelectric projects have potential land sales or exchanges. These involve a relatively small area of National Forest System lands. By replacing these flooded National Forest System lands with those capable of producing other benefits, including timber, wildlife habitat, and recreation opportunities, the public would benefit.

That concludes my remarks. I would be happy to answer the Subcommittee's questions.

USDA RECOMMENDED AMENDMENTS

S. 648

1. In the title delete "exchange" and insert "conveyance"; delete "in South Carolina" and insert "Federal" before "lands".

2. On lines 6 and 7, page 1, delete "the South Carolina Public Service Authority's Santee-Cooper hydroelectric project (Federal Energy Regulatory Commission licensed project numbered 199)" and insert "a Federal Energy Regulatory Commission licensed project".

3. On line 2, page 2 delete "adequate" and insert "fair market value".

4. On line 3, page 2 delete "in lieu of annual charges." and insert "for such conveyance."

Senator WALLOP. What was it?
Mr. CARGILL. It's S. 1754.
Senator WALLOP. I appreciate that.
Are there others on S. 648?

STATEMENT OF FRANK A. EDWARDS, ASSISTANT DIRECTOR, LAND RESOURCES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, ON S. 648

Mr. EDWARDS. I am Frank Edwards, Assistant Director of the Bureau of Land Management. My statement will be brief. You have the text of it.

Basically the Bureau of Land Management has no lands involved in S. 648 for which they have administrative jurisdiction unless there are some minerals which would be leased and then BLM, as a leasing agency for the Forest Service, would be involved. Since that is not an issue in this bill, we have no further comment. We would defer to the Forest Service on this matter.

Senator WALLOP. Thank you. Any others?

[No response.]

Senator WALLOP. S. 1859, Senator Domenici's bill. Here is Senator Domenici. He may have something to say about that.

STATEMENT OF HON. PETE V. DOMENICI, A U.S. SENATOR FROM THE STATE OF NEW MEXICO

Senator DOMENICI. Mr. Chairman, let me just take a few moments to first thank you for holding this hearing and agreeing to consider S. 1859. This is a bill which would transfer land from the Bureau of Land Management to Mew Mexico State University for inclusion in what is commonly called College Ranch located northeast of Las Cruces, Dona Ana County, NM. It would transfer control of 5,711.39 acres from the Bureau of Land Management to the New Mexico State University. This land is the remainder of some 50,000 plus acres set aside for the university for use as an experimental ranch.

This 5,700-plus acres are interspaced or, as we say in New Mexico, intermingled within the 52,000 acres already owned by the university. This transfer will once and for all clearly define the boundaries of the College Ranch where important research continues each and every year.

The establishment of the College Ranch dates back over 50 years. The act of March 2, 1927, as amended by Senate Joint Resolution 171, March 2, 1927, conveyed to the State of New Mexico approximately 52,000 acres of public domain for the benefit of the New Mexico College of Agriculture and Mechanic Arts, now New Mexico State, for the purpose of conducting educational, demonstrative, and experimental development with livestock grazing methods and range forage plants.

Mr. Chairman, I have outlined the other reasons of why we request the subcommittee and ultimately the committee and U.S. Senate would adopt S. 1859, and I don't think I need any additional time. I would ask that that be made a part of your subcommittee's record, and thank you once again for your consideration of this matter, which is important to my State.

[The prepared statement of Senator Domenici follows:]

PUBLIC LAND AND RESERVED WATER SUBCOMMITTEE
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
MAY 22, 1984

TESTIMONY OF UNITED STATES SENATOR PETE V. DOMENICI

I want to thank the committee for holding this hearing today. S.1859, a bill to transfer land from the Bureau of Land Management to New Mexico State University for inclusion into what is commonly called the "College Ranch" located northeast of Las Cruces, New Mexico.

This bill will transfer control of 5,711.39 acres from the Bureau of Land Management to New Mexico State University. This land is the remainder of some 50,000 plus acres set aside for the University for use as an experimental ranch.

This 5,700 plus acres are interspaced or, as we say in New Mexico, intermingled within the 52,000 acres already owned by the University. This transfer will once and for all clearly define the boundaries of the NMSU "College Ranch", where important research continues each year.

The establishment of the College Ranch dates back over fifty years. The Act of March 2, 1927 (69 Stat. 1296), as amended by S.J. Res. 171, March 2, 1927 (69 Stat. 1345, chap.283), conveyed to the State of New Mexico approximately 52,000 acres of public domain for the use and benefit of the New Mexico College of Agriculture and Mechanic Arts (now New Mexico State University) for the purpose of conducting educational, demonstrative, and experimental development with livestock grazing methods and range forage plants. Section 3 of the 1927 Act reserved the mineral resources of the lands to the United States.

On August 11, 1967, through Public Land Order 4263, the Assistant Secretary of the Interior withdrew the 52,000 acres from appropriation under the mining law but not the mineral leasing laws, in aid of the programs of New Mexico State University.

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The 5,711.59 acres involved in the present request from the University were originally State school lands that were interspersed among the 52,000 acres conveyed under the 1927 Act. In 1972, the Bureau of Land Management acquired the surface and mineral estates of the acres from the State of New Mexico in exchange for public lands elsewhere in the State. On March 7, 1980, the acres were opened to mineral leasing. Throughout this entire period, the surface of these lands has been used by the University without specific authorization.

Thus, the University presently uses the surface of about 58,357.75 acres for the College Ranch but has authority to use only 52,000 acres. The University wants the additional Federal land surface that it now uses without authorization as part of the College Ranch to be conveyed to the University and accorded precisely the same status as the rest of the College Ranch.

The proposed legislation complies with the provisions set forth in the Federal Land Policy and Management Act of 1975 in that the lands are extremely difficult for the BLM to manage because they are found within lands managed by the University. Surely University research would fall under the category of the public good being served by a transfer.

I hope that as this legislation progresses through the process and that the Interior Department will come out in strong support of it.

I would point out that the Federal government will maintain ownership of mineral rights under the land and that the legislation contains the typical reverter clause which states that the land must be used for college research.

In closing, I would point out that New Mexico State University is a leader in both livestock and range research and that this College Ranch plays an important part in progress in that area. The president of the University, Dr. Gerald Thomas, is a leading expert in these fields and is known world-wide for his work in these areas.

Livestock grazing has been the backbone of New Mexico and other western states for years. Important research goes on at the College Ranch and it will continue to go on in a manner benefitting both our producers and the consumers of food and fiber in this nation.

I would hope the committee would expedite action on this matter which I firmly believe is in the best interest of the general public of this nation.

Senator WALLOP. If you have just a couple of minutes you might stay because the administration testimony was continuing.

STATEMENT OF FRANK A. EDWARDS, ASSISTANT DIRECTOR, LAND RESOURCES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, ON S. 1859

Mr. EDWARDS. I appreciate the opportunity to give the Department's position on S. 1859. This bill would direct the Secretary of the Interior to convey lands to New Mexico State University at no cost but subject to valid existing rights, all rights tied on the interest of the United States in approximately 5,711 acres located in Dona Ana County, NM.

The bill would authorize the lands to be used for the purposes of conducting educational, demonstrative, and experimental development with livestock grazing methods and range forage plants and other agricultural related research. We have no objection to enactment of this bill if it is amended as we suggest, and those suggestions are contained in my full statement.

The lands involved in this action comprise a portion of the State university's College Ranch. The act of March 2, 1927, conveyed approximately 52,000 acres of public domain land for the use and benefit of this ranch to the New Mexico State University for the purposes of conducting the experimental and demonstrative livestock and grazing methods previously described.

Interspersed among the 52,000 acres conveyed in 1927 are 6,357.75 acres of State school lands, including 5,711.39 acres as described in S. 1859. In 1972, the Bureau of Land Management acquired the surface and mineral estates of the 6,300 plus acres from the State of New Mexico in exchange for public lands elsewhere in the State. On March 7, 1980, the 6,300 acres were opened to mineral leasing.

Competitive geothermal leases have been issued for three sections that are located within the Radium Springs known geothermal resources area. None of the lease sections lies within the 6,300 acre area described. Since 1927, the university has used the surface of approximately 58,000 acres but has had authority to use only 52,000. Of the remaining 6,300 acres, only that section which has been leased for geothermal development which comprises approximately 646 acres is not appropriate for transfer to the university.

This bill would convey the remaining 5,700 acres. There are several laws under which the lands could be transferred to the university. For instance, they could be sold under Recreational and Public Purposes Act. However, that act would limit sales to approximately 640 acres a year. That act also requires that the lands be used for public purposes, and the minerals in the lands be reserved to the United States.

The conveyance provisions of this bill are similar to the conveyance provisions of the Recreation and Public Purposes Act except that the entire tract of 5,700-plus acres could be conveyed at one time instead of in increments of 640 acres a year as required under the Recreation and Public Purposes Act.

Conveyance of the lands would, in essence, complete the conveyance of the College Ranch that was begun by the 1927 act. Al-

though we prefer to make conveyances of this nature under the Recreation and Public Purposes Act, we recognize that the act's acreage limitation on annual conveyances would make acquisitions of the lands by the university a long, drawnout process. We, therefore, would have no objection to conveying the entire 5,711.39 acres by this legislation, provided that the university be required to pay the price normally paid by governmental entities for conveyance for public purposes under the Recreation and Public Purposes Act, namely $2.50 an acre, which would be a total of $14,279.

I would point out that there is an error in the description in the bill, and the correction of that description is contained in my full statement. This concludes my statement. I will be glad to answer any questions.

[The prepared statement of Mr. Edwards on S. 1859 follows:]

MAY 22 1984

STATEMENT OF FRANK A. EDWARDS, ASSISTANT DIRECTOR, LAND RESOURCES, BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON S. 1859, A BILL "FOR THE TRANSFER OF CERTAIN INTERESTS IN LANDS IN DONA ANA COUNTY, NEW MEXICO, TO NEW MEXICO STATE UNIVERSITY, LAS CRUCES, NEW MEXICO."

I appreciate the opportunity to appear before the Subcommittee this morning to discuss the Department of the Interior's views on S. 1859.

Section 1 of S. 1859 would direct the Secretary of the Interior to convey to New Mexico State University, at no cost, but subject to valid existing rights, all right, title and interest of the United States in approximately 5,711.39 acres of public lands in Dona Ana County, New Mexico. The bill would authorize the lands to be used for the purpose of conducting educational, demonstrative, and experimental development with livestock, grazing methods, and range forage plants and other agricultural related research.

Section 2 of the bill would reserve to the United States all minerals in the lands.

Section 3 specifies that if the lands are used for any purposes other than those authorized in section 1, the entire tract shall immediately revert to the United States.

We would have no objection to enactment of S. 1859 if it is amended as we suggest.

The lands involved in this action comprise a portion of New Mexico State University's College Ranch. The College Ranch was established over 50 years ago. The Act of March 2, 1927, conveyed to the State of New Mexico approximately 52,000 acres of public domain land for the use and benefit of the New Mexico College of Agriculture and Mechanic Arts, now New Mexico State University, for the purpose of conducting educational, demonstrative, and experimental development with livestock grazing methods and range forage plants. Section 3 of the 1927 Act reserved the mineral resources of the lands to the United States.

Public Land Order 4263 of August 11, 1967, withdrew the 52,000 acres from appropriation under the mining laws but not the mineral leasing laws, in aid of the programs of New Mexico State University. Interspersed among the 52,000 acres conveyed under the 1927 Act were 6,357.75 acres of State school lands, including the 5,711.39 acres described in S. 1859. In 1972, the Bureau of Land Management acquired the surface and mineral estates of the 6,357.75 acres from the State of New Mexico in exchange for public land elsewhere in the State. On March 7, 1980, the 6,357.75 acres were opened to mineral leasing.

Substantial areas of the Ranch have been leased noncompetitively for geothermal resources and oil and gas. Competitive geothermal leases have been issued for three sections that are located within the Radium Springs Known Geothermal Resources Area (KGRA). Two of those sections were part of the 1927 conveyance. The other section of leased land lies within the 6,357.75 acre

area. Conveyance of that section to the University could result in interference with lease operations. We understand that the University has indicated that the section in question is not critical to the research programs being conducted on the College Ranch.

Since 1927, the University has used the surface of approximately 58,357.75 acres for the College Ranch but has authority to use only 52,000 acres. Of the remaining 6,357.75 acres, only the section that has been leased for geothermal development, which comprises approximately 646.36 acres, is not appropriate for transfer to the University. S. 1859 would convey the remaining 5,711.39 acres to the University and accord those lands the same status as the rest of the College Ranch.

There are several laws under which the lands could be transferred to the University. They could be sold under section 203 of the Federal Land Policy and Management Act. However, under that authority the University would be required to pay fair market value for the lands. They could be sold under the Recreation and Public Purposes Act. However that Act limits sales to a maximum of 640 acres per year. That Act also requires that the lands be used for public purposes, and that the minerals in the lands be reserved to the United States.

The conveyance provisions of S. 1859 are similar to the conveyance provisions of the Recreation and Public Purposes Act, except that the entire tract of 5,711.39 acres could be conveyed at one time, instead of in increments of 640 acres per year, as required by the Recreation and Public Purposes Act.

Conveyance of the lands to the University would, in essence, complete the conveyance of the College Ranch that was begun by the 1927 Act. Although we prefer to make conveyances of this nature under the Recreation and Public Purposes Act, we recognize that the Act's acreage limitation on annual conveyances would make acquisition of the lands by the University a long drawn-out process. We, therefore, would have no objection to conveying the entire 5,711.39 acres by this legislation, provided that the University be required to pay the price normally paid by governmental entities for conveyances for public purposes under the Recreation and Public Purposes Act that is, $2.50 per acre.

There is an error in description in the bill. On page 2, line 13 should read as follows: "half southeast quarter, southeast quarter southeast quarter; and".

This concludes my statement. I would be happy to answer any questions on this bill.

Senator WALLOP. Thank you. Pete, do you have anything?

Senator DOMENICI. First, I assume you thought you had to find some generic piece of legislation to justify this, like the Recreation and Public Use Act. You and OMB. I don't know who does these kinds of things. Is that correct?

Mr. EDWARDS. Basically, yes. We do have authority under that act to transfer, but admittedly in small increments. This bill would make one conveyance all at one time and eliminate that long, drawnout process.

Senator DOMENICI. But if you had authority under some law—you don't because of the 640 acres, I understand—but if you did, then I wouldn't need to introduce the bill, would I?

Mr. EDWARDS. No. The other authority we would have would be under Federal Land Policy and Management Act, which would require fair market value.

Senator DOMENICI. I guess my question is why did you have to stretch to try to find a generic law if the 1927 law that conveyed a so-called College Ranch still has some uncompleted aspects, and we have a bill before the committee saying why don't we finisn that? Why do we have to look for one? I don't mind the $2.50. I just don't understand—Do you know what I am saying, Mr. Chairman? Why can't the U.S. Congress say we didn't finish that so let's finish it, and why can't you come up here and say yes or no?

Mr. EDWARDS. Well, the Congress can say that, Senator.

Senator DOMENICI. I thank you for that.

Mr. EDWARDS. I am simply representing the administration's position.

Senator DOMENICI. I thank you very much.

Senator WALLOP. You know the problems we've had in Alaska, Nevada, and other States with conveyances, all of which are reasonably right minded in their concept, but they get hung up.

Senator DOMENICI. I understand that. I think in this case, if we were looking at it, you and I and hopefully the majority of this committee, would say obviously that acreage doesn't serve the Federal Government when its intermingled, interspersed with State and so-called university college park land and so let's fix it up so everybody is served better. I do think with some members it is better to find a statute, and we will do that. I will check with the university on $2.50. I assumed it was going to come at the pleasure of the Congress, but that is almost the same.

Senator WALLOP. If they don't like the $2.50, then I might take it.

Senator DOMENICI. In which event then we wouldn't be able to do it. Thank you very much, Mr. Chairman. Thank you, Mr. Secretary.

Senator WALLOP. Thank you, Senator.

Now we go to S. 2015.

STATEMENT OF MARY LOU GRIER, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 2015

Ms. GRIER. Mr. Chairman, S. 2015 would expand the boundary of Black Canyon of the Gunnison National Monument in Colorado in order to assure the preservation and integrity of the visual, natural, historic, and cultural resources of the monument. The need to protect the qualities of the lands surrounding Black Canyon of the Gunnison was identified throughout the general management planning process for the monument.

S. 2015 would accomplish this protection by authorizing and directing the Secretary to acquire all lands and interests therein within the proposed expanded boundary. While the Secretary is further directed to acquire less-than-fee interests in such lands where such interest would adequately protect the resources, the Secretary is also directed to acquire fee simple title to lands if requested by the owner, or if fee simple title is required for the protection of the resources. Lands under the administrative jurisdiction of other agencies would be transferred to the National Park Service.

Mr. Chairman, we must oppose enactment of S. 2015 unless amended as follows: There are approximately 7,200 acres of lands involved. Of that, approximately 6,400 acres are in private ownership, and approximately 773 acres are in public ownership.

As currently drafted, section 4(a) not only would authorize but also would direct the Secretary to acquire either fee or less-than-fee title to all lands within the expanded boundary. It would further require the Secretary to acquire, at the request of an owner, fee simple title.

Mr. Chairman, our primary concern is the protection of the viewshed along the north rim of Black Canyon of the Gunnison Na-

tional Monument. This strongly suggests that other forms of protection, such as easements, would provide adequate protection for the Federal interest while leaving the land in private ownership and allowing for continued uses.

Furthermore, this legislative requirement would be contrary to the Department's land protection policy published on May 7, 1982, in the Federal Register. This policy was adopted in response to concerns expressed by your committee through its workshops, by the General Accounting Office, the Appropriations Committees, and landowners. It requires that the National Park Service use, "to the maximum extent practical cost-effective alternatives to direct Federal purchase of private lands * * * and when acquisition is necessary, to acquire only the minimum interest necessary to meet management objectives." A land protection plan for Black Canyon is scheduled for completion this fiscal year and will be revised as necessary to consider in more detail any additional land authorized for protection by Congress.

By directing the Secretary to acquire fee simple title at the request of an owner, the National Park Service is denied the flexibility to determine and implement the appropriate level of protection for the resources. Cooperation with landowners is certainly necessary and appropriate, but we do not believe that landowners should have the final word on what needs to be acquired to protect the national monument. Further, if the Secretary were required to purchase fee simple title to the total acreage currently in private ownership, it could cost in excess of $2.5 million. This figure is not based on any actual appraisals, but rather on some initial gross cost estimates prepared in response to this legislation.

We would recommend two possible solutions to these problems. The first would be to modify the proposed boundary so that less land is included. The second would be to delete the requirement that the Secretary acquire all lands or interests therein within the expanded boundary as well as the requirement that the Secretary acquire fee simple title at the request of the owner. A simple authorization would be sufficient.

Also pending before your committee is H.R. 3825 which was passed by the House of Representatives on March 5, 1984. That House-passed version retains the requirement that the Secretary acquire all lands and interests therein within the expanded boundary; but it requires the consent of the owner if fee simple title is acquired.

While some of our concerns have been addressed by the House bill, we still must oppose enactment of either bill unless the Secretary has the flexibility to determine what level of protection is appropriate to achieve the intent of the legislation—in this case, protection of the viewshed.

Senator WALLOP. Thank you. I am pleased that the administration feels that way. I think it is important. I expressed my concerns on another piece of legislation last week, but we keep moving things to the head of the line looking back and saying those who we have abused with past authorization and unwillingness to fund, since we have already treated them badly, we just keep on treating them badly and treat somebody else in front of them better. That is the wrong way to travel as far as I'm concerned. I appreciate the

efforts the administration has made in trying to accommodate the concepts that were developed in those workshops. The fundamental national interest is the protection of the viewshed in that area. To the extent that we can, we should try to accomplish that more efficiently and as effectively.

Congressman Berman has come in and we will hear from him now. Also, I have three statements to insert into the record, one by Senator D'Amato in support of H.R. 4966, and one by Senator Moynihan on S. 2331 and H.R. 4596, and one by Senator Moynihan in support of S. 2082, and those will all be made a part of the record.

[The statements follow:]

STATEMENT BY SENATOR ALFONSE D'AMATO

IN SUPPORT OF H.R. 4956

BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. Chairman, I submit this statement in support of H.R. 4956. This legislation, introduced by my close friend, Congressman Frank Horton, has already passed the House of Representatives; I urge the Senate to concur. I hope that this committee will forward this legislation to the Senate floor with a favorable recommendation.

Established in 1980, the Women's Rights National Historic Park is a tribute to the birth of the women's rights movement and the work of its early founders -- Elizabeth Cady Stanton and Susan B. Anthony. However, this park will always be incomplete if it does not include the McClintock House.

While owned and used by the Waterloo Baptist Church, the McClintock House could not be purchased by the Secretary of the Interior because the separation of Church and State doctrine would have been breached. Yet, today, the Waterloo Baptist church no longer owns this historically significant site, thus making it available to the national park system. Consequently, H.R. 4956 has been drafted to amend section 1601 d of Public Law 96-607 to permit the Secretary of the Interior to acquire title to the McClintock House.

The struggle of women for their equal rights has a long and rich history in Upstate New York. Consequently, nine sites in Waterloo and Seneca Falls, New York, have been recognized, preserved, and incorporated into a national park as a fitting living monument to the devotion and undying efforts of those who believed in true equality. These nine nationally significant historical and cultural sites have been encompassed into a park so that their character and setting are preserved for the education, inspiration, and benefit of present and future generations.

The McClintock House well represents the spirit of equality so crucial to the women's movement. Meeting at the home of Mary Ann McClintock, Elizabeth Cady Stanton, Martha Wright, Lucretia Mott, and Susan B. Anthony gathered to draft the Declaration of Sentiments. Modeled after the Declaration of Independence, this document expresses the goal that equality and justice should be extended to all people without regard to sex. Accepted in 1848 at the Women's Rights Convention as the platform for the movement, the Declaration of Sentiments still maintains enduring relevance and is regarded as one of the most important documents in American history.

Containing twelve resolutions, this document addresses many monumental issues. However, it is Elizabeth Cady Stanton's twelfth resolution which has had the greatest

impact upon the United States; it calls for the "sacred right to the elective franchise" for all. Thus, in honor not only of this influential declaration, but also of the struggle for equality, I urge you to approve this legislation.

Our efforts here today are merely to earn legislative support for the purchase of the McClintock House. Financial support is not needed, for both the 1980 $500,000 appropriation and the prudent management of the Women's Rights National Historical Park have combined to make funds available for the purchase of the House.

Mr. Chairman, I would like also to take this opportunity to commend Senator Moynihan and Congressman Horton for their support of this action. I urge this committee to act swiftly and favorably when reviewing this historically significant legislation.

Thank you, Mr. Chairman.

STATEMENT BY SENATOR DANIEL PATRICK MOYNIHAN (D-NY)
IN SUPPORT OF S. 2331 AND H.R. 4596
BEFORE THE SENATE ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. Chairman,

I appreciate the opportunity to comment this afternoon on S. 2331, a measure I introduced with my colleague Senator D'Amato on February 22, 1984, to permit the Secretary of the Interior to acquire title in fee simple to the McClintock House in Waterloo, New York. The McClintock House, as you know, is part of the Women's Rights National Historical Park.

It was at the McClintock House that Mary Ann McClintock, Elizabeth Cady Stanton, Susan B. Anthony, Lucretia Mott, and Martha Wright gathered in 1848 to draft the "Declaration of Sentiments" later adopted at the first National Women's Rights Convention. This document, which states that equality and justice should be extended to all people without regard to sex, is considered one of our Nation's fifty most important documents.

Mr. Chairman, I cosponsored the legislation to create the Women's Rights National Historical Park in 1980. The enacting statute -- Public Law 96-607 -- lists the various, non-adjacent buildings and sites that comprise the Park, which is located in the Seneca Falls area. At the time the Park was created, the Waterloo Baptist Church owned the McClintock House and used it as a parsonage for the adjacent Church. Although the property was designated for inclusion in the Park, acquiring it was deemed inappropriate. This is no longer the case. The Waterloo Baptist

Church has vacated both the parsonage and the church building, and desires to sell the property. S. 2331 would amend PL 96-607 to allow the Park Service to acquire the House, thus assuring that it will be protected and administered in a fashion consistent with Park purposes.

Mr. Chairman, there are two points I wish to make with respect to this legislation.

First, it is non-controversial. S. 2331 and the House-passed version which Representative Horton introduced on January 23, 1984 (H.R. 4596) enjoy bipartisan support from the entire New York congressional delegation. I know of no one who opposes this legislation.

Second, the money to acquire the McClintock House has already been appropriated. When the Park was created four years ago, it was estimated that the buildings and sites originally slated for purchase would cost $490,000. The fiscal year 1984 Interior and Related Agencies appropriations bill which President Reagan signed into law on November 4, 1983 (PL 98-146) contained $500,000 in acquisition funds for the Park.

The Park was most fortunate when the Elizabeth Cady Stanton Foundation did a superb job of raising the $33,000 necessary to purchase the Stanton House. Stanton's descendants were generous to donate the adjacent lot, thus saving the Park Service an additional $6,000. Park Superintendent Judy Hart has been a good, careful steward of the Park's financial resources. And the initial appraisal remains accurate. So, it appears that existing funds will

sufficient to defray the estimated $35,000 to $50,000 cost of purchasing the McClintock House.

Mr. Chairman, an amended version of H.R. 4596 was passed by the House of Representatives on May 1, 1984, by a 404-13 vote. I would make a few remarks about the nature of those amendments.

When the bills were submitted, there was confusion as to the precise location of the McClintock House. Information provided to the House Interior and Insular Affairs Subcommittee on Public Lands and National Parks indicated that the House and the Baptist Church were built across two lots: 14 and 16 East Williams Street. So, H.R. 4596 was amended to include both lots, thereby eliminating potential legal obstacles to acquisition.

Further, H.R. 4596 was amended to direct the Secretary of the Interior to remove all structures -- principally the vacated Church -- not relevant to the historical integrity of the House or the Park. This should be done within two years of the acquisition.

Mr. Chairman, I have no objections to the House amendments. Indeed, I would suggest that S. 2331 be made consistent with H.R. 4596, as amended. Such action would expedite matters so that acquisition and necessary renovation could commence soon.

Finally, Mr. Chairman, I note that my colleague from New York, Senator D'Amato, is unable to be with us this afternoon. But he does have a prepared statement, which I would submit for the hearing record to follow my remarks. Thank you, Mr. Chairman.

STATEMENT BY SENATOR DANIEL PATRICK MOYNIHAN (D-NY)
IN SUPPORT OF S. 2082, THE OLMSTED HISTORIC LANDSCAPES ACT
BEFORE THE SENATE ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. Chairman,

In 1980, at my suggestion, Erie County Legislator Joan Bozer and others concerned about the deterioration of Frederick Law Olmsted's historic landscapes established the National Association of Olmsted Parks (NAOP). The Association currently boasts over 450 members in 32 States, Puerto Rico, Mexico, Canada, and Great Britain. This past September, at an annual conference held in New York City, the Association discussed the need for legislation to commemorate and preserve the Olmsted legacy. S. 2082, which I introduced on November 10, 1983, and the companion bill (H.R. 4356) introduced by Representative Seiberling is that legislation.

Our bills would build upon current State, local, and private efforts to identify, commemorate, and preserve the Olmsted legacy. It is fitting that such efforts receive Federal assistance for Olmsted's achievements are staggering; his influence on America's urban landscape is unequaled. Best known for his design of Central Park in 1854, he later designed the Mall here in Washington. Olmsted, his sons, and his professional descendants designed over 2,000 parks, parkways, college campuses, cemeteries, and public and private estates in 37 States and the District of Columbia.

Olmsted served as Executive Secretary of the U.S. Sanitary Commission, the forerunner of the Red Cross. He was also a founder

of the National Park Service and the U.S. Forest Service.

S. 2082 directs the Park Service to prepare within ten years an inventory of Olmsted historic landscapes, in consultation with the Advisory Council on Historic Preservation and with the participation of state historic preservation and recreation officers and other interested organizations and individuals. The inventory will be done on a State-by-State basis. The bill outlines minimum requirements for inclusion in the inventory. Eligible properties will be designated as national landmarks, or, if appropriate, for the World Heritage List. Eligible properties will also be considered for listing on the National Register. The bill also establishes an Advisory Committee on Olmsted Historic Landscapes to coordinate efforts to identify and protect such properties.

Mr. Chairman, a partial list of organizations that endorse or support this legislation include the National Association of Olmsted Parks, the National Parks and Recreation Association, the National Parks and Conservation Association, the American Planning Association, the American Institute of Architects, the American Society of Landscape Architects, the National Trust for Historic Preservation, and the State Historic Preservation Officers Society.

I am aware that the Administration opposes this legislation. I would make a few remarks concerning their objections.

First, the Administration is concerned that scarce funds will be diverted from ongoing programs to carry out the provisions of S. 2082. While I think the monies needed are negligible, I would whole-heartedly support a specific authorization if the Park Ser-

vice would be kind enough to provide one.

The Administration also argues that the Park Service is conducting a thematic study of all urban parks. This is well and good. Of course, we haven't seen this purported study. I do not know when it will be completed. In the meantime, many of Olmsted's most important landscapes deteriorate or are threatened by commercial development and other pressures. Simply stated, Olmsted's legacy deserves priority and immediate attention.

Finally, the Administration argues that the authority to carry out the provisions of S. 2082 has been granted by the National Historic Preservation Act of 1966 and the National Historic Preservation Act Amendments of 1980. I do not dispute this. But I do not find fault with confirming that authority and mandating that long-overdue activity to identify, commemorate, and preserve the Olmsted legacy commence.

Thank you, Mr. Chairman, for the opportunity to comment this afternoon on the Olmsted Historic Landscapes Act.

STATEMENT OF HON. HOWARD L. BERMAN, A U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. BERMAN. Thank you for scheduling the hearing on S. 2136, an identical bill to the bill I am carrying, H.R. 3331, which has been passed by the subcommittee on the House side.

Senator Wilson, who is head of this legislation, would authorize the Department of the Interior and the Los Angeles Department of Water and Power to negotiate a land exchange agreement. As a result of this land exchange, the National Park Services would acquire a particularly valuable 30-acre parcel which includes Franklin Canyon Reservoir in exchange for portions of land surrounding the Haiwee Reservoir in Inyo County. For a number of reasons this property would be an exceedingly valuable acquisition for the Santa Monica National Recreation Area.

The Franklin Reservoir property would provide an important link in the formation of a Cross Mountain Park within the Santa Monica National Recreation Area. Visitors would be able to hike on trails extending from the Los Angeles basin to the San Fernando Valley. We are talking about a metropolitan area here of 10 or 11 million people, and a very large open space area that we are fighting to preserve.

The Franklin Canyon Reservoir has one of the most unique ecosystems in the region. Congress established the Santa Monica Na-

tional Recreation Area in 1978, with one of its goals to preserve the ecological resources while providing for the educational and recreational needs of the visiting public. This particular acquisition, as a result of this land exchange, would enable visitors to observe some of the most interesting plants and wildlife in the entire area.

The Franklin Canyon Reservoir is the site of the William O. Douglas Outdoor Classroom. This year over 10,000 local schoolchildren from school districts in that metropolitan area are expected to participate in this nature study program. Without this program most of these children would have never had the opportunity to observe a wilderness area or open-space environment.

This exchange benefits all parties. The park has an urgent need to acquire critical parcels still in open space before they are sold to developers.

Meanwhile, the city of Los Angeles, which currently owns and operates one-half the land surrounding Haiwee Reservoir, will acquire the remainder of the desert lands surrounding its water and power facilities. This will not adversely affect existing water rights claims but will consolidate ownership of lands surrounding a vital source of Los Angeles' water supply.

Both S. 2136 and H.R. 3331 enjoy widespread bipartisan support within the California Congressional Delegation. Both the L.A. City Council and the Inyo County Supervisors have passed resolutions in support of the proposal. I am submitting for the record a letter by members of the California Congressional Delegation to then-Secretary Watt seeking support for the bill.

The exchange proposal also has tremendous local support. I don't want to take all the time to deal with it, but it is in our submitted statements pointing out the local support for this particular exchange.

The House version of this bill passed the House Subcommittee on Public Lands on May 17 and included minor amendments which I support. These I also include for the record. Briefly, they require that the Secretary of the Interior implement the land exchange and require the City of Los Angeles to provide for replacement water to maintain water elevations.

In closing, I would note that the Santa Monica Mountain National Recreation Area bisects the second largest metropolitan area in the United States. Its scenic, recreational and ecological values are indisputable. I urge favorable consideration of the bill.

Once again, thank you very much for scheduling the hearing.

Senator WALLOP. Thank you Congressman Berman.

[The prepared statement of Mr. Berman follows:]

TESTIMONY OF HON. HOWARD L. BERMAN
26th DISTRICT, CALIFORNIA

BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
COMMITTEE ON ENERGY

MAY 22, 1984

Mr. Chairman and members of the Subcommittee, I would like to thank you very much for holding this hearing and giving me the opportunity to testify on the need for continued support of our efforts to complete the Santa Monica National Recreation Area.

Today, you are considering S. 2136, introduced by Senator Wilson. It is identical to H.R. 3331, which I have introduced in the House.

S. 2136 would authorize the Department of the Interior and the Los Angeles Department of Water and Power to negotiate a land exchange agreement. As a result of this land exchange, the National Park Services' would acquire a particularly valuable 30 acre parcel which includes Franklin Canyon Reservoir in exchange for portions of land surrounding the Haiwee Reservoir in Inyo County. For a number of reasons this property would be an exceedingly valuable acquisition for the Recreation Area.

The Franklin Reservoir property would provide an important link in the formation of a Cross Mountain Park within the Santa Monica National Recreation Area. Visitors would be able to hike on trails extending from the Los Angeles Basin to the San Fernando Valley.

The Franklin Canyon Reservoir has one of the most unique

ecosystems in the region. Congress established the Santa Monica National Recreation Area in 1978, with one of its goals to preserve the ecological resources while providing for the educational and recreational needs of the visiting public. This acquisition would enable visitors to observe some of the most interesting plant and wildlife.

The Franklin Canyon Reservoir is the site of the William O. Douglas Outdoor Classroom. This year 10,000 local schoolchildren and Los Angeles residents are expected to participate in this nature study program. Without this program most of these children would have never had the opportunity to observe a wilderness area or open-space environment.

The Franklin Reservoir property is within the boundaries of the Recreation Area. It is currently owned and operated by the Department of Water and Power. The Department no longer uses the Reservoir as a water storage facility.

This exchange benefits all parties. The park has an urgent need to acquire critical parcels still in open space before they are sold to developers.

Meanwhile the City of Los Angeles, which currently owns and operates 1/2 the land surrounding Haiwee Reservoir, will acquire the remainder of the desert lands surrounding its water and power facilities. This will not adversely affect existing water rights claims but will consolidate ownership of lands surrounding a vital source of Los Angeles' water supply.

S. 2136 and H.R. 3331 enjoy widespread bipartisan support within the California Congressional Delegation. Both the Los

Angeles City Council and the Inyo County Supervisors have passed resolutions in support of the proposal. I am submitting for the record á letter by members of the California Congressional delegation to then-Secretary Watt seeking support for the bill.

The exchange proposal also has tremendous local support. I am submitting for the record written statements by Sooky Goldman, President of the William O. Douglas Outdoor Classroom, and Joe Edminston, President of the Santa Mountain Conservancy.

The House version of this bill passed the House Subcommittee on Public Lands on May 17 and included minor amendments which I support. These I also include for the record. Briefly, they require that the Secretary of Interior implement the land exchange and require the city of Los Angeles to provide for replacement water to maintain water elevations.

In closing I would note that the Santa Monica Mountain National Recreation Area bisects the second largest metropolitan area in the United States. Its scenic, recreational and ecological values are indisputable. I urge favorable consideration of this bill.

Congress of the United States
House of Representatives
Washington, D.C. 20515

September 13, 1983

Honorable James G. Watt
Secretary of the Interior
Interior Department Building
C Street Between 18th and
19th Streets, N.W.
Washington, D. C. 20240

RE: H.R. 3331 - Authorization of Land Exchange between U.S. Department of Interior and the City of Los Angeles

Dear Secretary Watt:

We wish to take this opportunity to express to you our support of H.R. 3331 to authorize a land exchange between the Department of the Interior and the City of Los Angeles. The House Subcommittee on Public Lands and National Parks has scheduled a hearing on H.R. 3331 on September 20, 1983.

Briefly, this proposed legislation would amend the National Parks and Recreation Act (NPRA) of 1978 to authorize the Secretary of the Interior to exchange Federal lands, currently managed by the Bureau of Land Management, adjacent to the City's Haiwee Reservoir in Inyo County, California, for a portion of the City's Upper Franklin Reservoir property located adjacent to the Santa Monica Mountains National Recreation Area managed by the National Park Service in Los Angeles County. Presently, the NPRA, which established the Recreation Area, allows acquisition of lands owned by political subdivisions of the State of California only through donation.

Under the proposed land exchange, the Department of Interior would acquire approximately 30 acres of highly valued wooded property, including Upper Franklin Reservoir, and the City would acquire approximately 3,000 acres of Federal desert lands at Haiwee Reservoir. The bill requires that the value of the lands exchanged must be equal, or equalized, with a cash payment not to exceed 25% of the land value.

The exchange will allow the City to consolidate its land ownership in the Haiwee area necessary for the protection and management of water and power facilities. The 30 scenic acres at Upper Franklin are considered an important link in the development of the Cross Mountain Park of the Santa Monica Mountains National Recreation Area. As part of the Recreation Area, this property will help provide additional recreational and educational opportunities for the visiting public.

Enclosed is more detailed background information on H.R. 3331. The bill enjoys the support of the Los Angeles City Council, the Los Angeles County Board of Supervisors, and the Inyo County Board of Supervisors.

We would appreciate your thoughtful consideration and support of this proposal which we believe is in the public interest.

Sincerely,

Bobbi Fiedler
BOBBI FIEDLER
Member of Congress

Howard L. Berman
HOWARD L. BERMAN
Member of Congress

Jerry M. Patterson
JERRY M. PATTERSON
Member of Congress

Carlos J. Moorhead
CARLOS J. MOORHEAD
Member of Congress

Jerry Lewis
JERRY LEWIS
Member of Congress

Tony Beilenson
ANTHONY C. BEILENSON
Member of Congress

cc: Honorable John Seiberling, Chairman
Subcommittee on Public Lands
and National Parks

Honorable Ray Arnett, Assistant Secretary
U.S. Department of Interior

Honorable Garrey Carruthers, Assistant Secretary
U.S. Department of Interior

May 17, 1984

Draft

Subcommittee Amendment in the Nature of a Substitute
to H.R. 3331

Strike all after the enacting clause and insert the following:

"That section 507(c)(2) of the National Parks and Recreation Act of 1978 (92 Stat. 3501) is amended by --

(1) inserting "(A)" after "(2)";

(2) striking out "Any" in the third sentence thereof and substituting "Except as provided in subparagraph (B), any"; and

(3) adding the following new subparagraph at the end thereof:

"(B) The Secretary (acting through the Bureau of Land Management) shall negotiate, and carry out, an exchange with the city of Los Angeles (acting through its department of water and power) of certain federally owned lands managed by the Bureau of Land Management in the vicinity of the Haiwee Reservoir in Inyo County for certain lands owned by the city of Los Angeles which are associated with the Upper Franklin Reservoir in the city of Los Angeles. Lands acquired by the Secretary pursuant to such exchange shall be transferred without cost to the administrative jurisdiction of the National Park Service for inclusion within the recreation area. The Secretary shall include in such exchange a provision for an easement to be granted to the city of Los Angeles for the existing water pipeline associated with the Upper Franklin Reservoir and for the city of Los Angeles to provide for replacement water to maintain the water elevations of the Franklin Reservoir to the current levels. The values of lands exchanged under this provision shall be equal, or shall be equalized, in the same manner as provided in section 206 of the Federal Land Policy and Management Act of 1976.".

Senator WALLOP. You are welcome to stay here until the administration testifies. I am sure you have a busy schedule, but if you wish, join us until they testify on several bills.

Mr. BERMAN. I appreciate you scheduling me out of order.

Senator WALLOP. I have statements by Senator Wilson and Congressman Beilenson on the same legislation which we will put in the record.

[The prepared statements of Senator Wilson and Mr. Beilenson follow:]

STATEMENT BY SENATOR PETE WILSON
BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS
AND RESERVED WATER
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
S. 2136, LAND EXCHANGE BETWEEN THE
BUREAU OF LAND MANAGEMENT AND THE CITY OF LOS ANGELES
TUESDAY, MAY 22, 1984
2:00 P.M. SD-366

Mr. Chairman and Members of the Subcommittee, thank you for the time you are taking to hear testimony on S. 2136, a bill I introduced which authorizes a land exchange in the Santa Monica Mountains National Recreation Area (SMMNRA). As always, this Committee's attention to matters of special importance in my home state of California is much appreciated.

S. 2136 simply authorizes a land exchange between the Bureau of Land Management and the city of Los Angeles. The city is interested in acquiring approximately 3,000 acres of federal desert land adjacent to its Haiwee Reservoir in Inyo County, California. This proposed acquisition is part of the city's ongoing program to consolidate its land ownership for the purposes of managing its water and power resources. This particular reservoir, located about 200 miles north of Los Angeles in southern Inyo County, is an important part of the city's aqueduct system.

In exchange for these lands, the city would transfer to the National Park Service approximately 30 acres of equivalent value lands located within the boundaries of the Santa Monica Mountains National Recreation Area. These lands contain the city's Upper Franklin Reservoir -- an old, small and beautiful reservoir that used to help serve the water and power needs of Los Angeles. Adding this reservoir to the adjacent 106 acres already owned by the Park Service would constitute an important addition to this heavily used park. This reservoir is no longer used by the city and should be made available for general public enjoyment.

The need for this bill, S. 2136, is prompted by the Santa Monica Mountains authorizing legislation (Public Law 95-625) which allows only fee acquisition and donation of non-federal lands. The special circumstances of this unique situation -- an opportunity to benefit both federal and local agencies at no cost -- warrant a deviation from this no-exchange policy.

In considering this legislation, I would encourage this Subcommittee to include conditions requiring the city of Los Angeles to maintain the water level of the Upper Franklin Reservoir at an agreed upon elevation at no cost to the Park Service. It is my understanding that the House is considering this kind of language and would hope that this Subcommittee will endorse the same.

Furthermore, I would expect that the Upper Franklin Reservoir is found to be structurally sound and meets state safety standards before being transferred to the Park Service. Assuming this to be the case, I am convinced that the addition of this reservoir to the park would add significantly to the recreational opportunities found at the SMMNRA.

Again, I thank the Chairman and the Subcommittee Members for acting expeditiously on this bill and urge its speedy approval with recommended changes.

STATEMENT OF CONGRESSMAN ANTHONY C. BEILENSON REGARDING S. 2136
BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
MAY 22, 1984

Mr. Chairman, I appreciate this opportunity to express my support for S. 2136, legislation authorizing the exchange of land between the Bureau of Land Management (BLM) and the City of Los Angeles to augment the Santa Monica Mountains National Recreation Area (SMMNRA). As the original author of the legislation creating the SMMNRA (P.L. 95-625), which was enacted in 1978, I remain vitally interested in all matters affecting the future of this national recreation area.

S. 2136, which is identical to H.R. 3331 which I have co-sponsored, would amend P.L. 95-625 to allow the exchange of certain federal lands located in the vicinity of Haiwee Reservoir in Inyo County for a portion of Los Angeles City-owned land located within the boundaries of the SMMNRA. This legislation is needed because the existing language of P.L. 95-625 allows the acquisition of such lands only through direct donation. S. 2136 would allow the Department of Interior to acquire this valuable and useful addition to the recreation area by means of a land exchange.

The portion of land in the Upper Franklin Canyon Reservoir which would be transferred to the National Park Service from the Los Angeles City Department of Water and Power is an extremely important link in the completion of the Cross Mountain Park of

the SMMNRA, an area of parkland located in the eastern portion of the recreation area which serves many visitors. The unique upper reservoir area would be the site of public education programs and expanded recreation opportunities for the many Los Angeles area residents and visitors who utilize this valuable natural resource every day. Local community groups are already prepared to participate fully in providing support services for the programs which would be conducted at the new site, adding to the ongoing public and private co-operative efforts in the Santa Monicas. It should be noted that S. 2136 enjoys the support of all the members of Congress who represent the properties in question, as well as the support of the Los Angeles City Council, the Los Angeles County Board of Supervisors and the Inyo County Board of Supervisors.

Given the current difficulties in obtaining sufficient funds to purchase new park land, I am encouraged to see the pursuit of productive alternatives to fee acquisition, such as the land exchange which S. 2136 would permit. I strongly support the National Park Service and the City of Los Angeles in their efforts to preserve and protect land for the use and enjoyment of future generations, and I urge the Subcommittee to act favorably on this needed legislation.

I very much appreciate the opportunity to state my views on this important matter.

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Senator WALLOP. I see my colleague, Senator Hatch, has arrived so we will hear his testimony.

STATEMENT OF HON. ORRIN G. HATCH, A U.S. SENATOR FROM THE STATE OF UTAH

Senator HATCH. I apologize to the rest of you. I am due on the floor. Thank you for accommodating me, Senator Wallop. I am very appreciative. I would ask that you put my full statement in the record.

What we would like to do, Senator, is pass S. 2036, a bill sponsored by Senator Garn and myself, which authorizes and directs the Secretary of the Interior to convey by quitclaim deed to Brigham City, UT, approximately 170 acres of land which is currently being occupied by the Bureau of Indian Affairs.

Basically this land came from Brigham City to the Federal Government. Now the Indians are told it will be closed, or at least we believe it will be closed, because of declining enrollments and extensive repair costs to the physical plant estimated at $5 to $10 million. What we would like to do is get the land back into the city, into Brigham City, so that we can utilize that land in good fashion for that city. I might add that that facility has played a major role in the economic conditions of Brigham City and we have been grateful for this, but now that the Federal Government has concluded its use for the property, it seems only fair to us that the land and the buildings be brought back to the original owners so that they can immediately put the facility back into productive use for the good of the whole community. The entire Utah delegation is supporting this bill.

I might add that it is also my understanding that the Secretary of the Interior likewise supports this measure. So I am hopeful that this bill can move quickly through the committee process and be marked up as soon as possible.

I would just like to add, Senator Wallop, that you and your staff have been very helpful in seeing that this matter does receive the utmost attention in the Senate, and our delegation is very grateful to you and we would appreciate any efforts you can put forth in getting the bill out.

Senator WALLOP. Let me say that the cooperation you've had from me and my staff has been from my staff. They do almost all the work that gets us to this point. I simply put in the presence.

Senator HATCH. We don't give our staffs the credit they deserve.

Senator WALLOP. I appreciate it and I thank you.

[The prepared statement of Senator Hatch follows:]

TESTIMONY OF SENATOR ORRIN G. HATCH
BEFORE THE SUBCOMMITTEE ON
PUBLIC LANDS AND RESERVED WATER
MALCOLM WALLOP, CHAIRMAN
MAY 22, 1984

MR. CHAIRMAN, TODAY I AM TESTIFYING IN SUPPORT OF S. 2036, A BILL SPONSORED BY SENATOR GARN AND MYSELF, WHICH AUTHORIZES AND DIRECTS THE SECRETARY OF THE INTERIOR TO CONVEY BY QUITCLAIM DEED TO BRIGHAM CITY, UTAH, APPROXIMATELY 170 ACRES OF LAND WHICH IS CURRENTLY BEING OCCUPIED BY THE BUREAU OF INDIAN AFFAIRS. THIS LAND WILL BE CONVEYED TO BRIGHAM CITY SHORTLY AFTER THE BUREAU OF INDIAN AFFAIRS HAS COMPLETED CLOSING ITS INTERMOUNTAIN INTER-TRIBAL SCHOOL AND DECLARES THE PROPERTY AND BUILDINGS AS SURPLUS TO THE GENERAL SERVICES ADMINISTRATION. FOR YOUR INFORMATION, BRIGHAM CITY IS LOCATED APPROXIMATELY 50 MILES NORTH OF SALT LAKE CITY AND HAS A POPULATION OF 18,000.

THE PROPERTY WAS ORIGINALLY ACQUIRED BY THE WAR DEPARTMENT FROM BRIGHAM CITY IN 1942 FOR THE FUTURE SITE OF THE BUSHNELL GENERAL HOSPITAL. THE HOSPITAL WAS USED BY THE ARMY UNTIL 1946 AT WHICH TIME IT WAS DECLARED SURPLUS. ON MARCH 17, 1949, THE FACILITIES WERE TRANSFERRED TO THE BUREAU OF INDIAN AFFAIRS TO BE USED AS A VOCATIONAL SCHOOL FOR INDIAN CHILDREN.

AS A RESULT OF DECLINING ENROLLMENTS AT THE SCHOOL AND EXTENSIVE REPAIR COSTS TO THE PHYSICAL PLANT (ESTIMATED AT 5 TO 10 MILLION DOLLARS), CONGRESS HAS DIRECTED THAT THE SCHOOL CLOSE BY JUNE 30, 1984 (P.L. 98-146).

DURING HEARINGS HELD IN THE HOUSE SUBCOMMITTEE ON PUBLIC LANDS AND NATIONAL PARKS, MARCH 22, 1984, MR JOHN W. FRITZ, DEPUTY ASSISTANT, SECRETARY OF THE INTERIOR FOR INDIAN AFFAIRS

STATED, ".....THE PROPERTY IS EXCESS TO THE NEEDS OF THE BUREAU AND TO THE DEPARTMENT. TO RENOVATE THE STRUCTURES TO MAKE THEM SUITABLE FOR SOME OTHER FEDERAL FUNCTION WOULD BE INORDINATELY EXPENSIVE. THEREFORE, WE WOULD NOT OBJECT TO THE NO-COST TRANSFER OF THE PROPERTY TO BRIGHAM CITY, IF THE CONGRESS DEEMS IT DESIRABLE TO DO SO. MOREOVER, CONGRESS HAS ALREADY INDICATED ITS INTEREST IN CONVEYING THE SITE TO THE CITY. IN THE FISCAL YEAR 1984 INTERIOR APPROPRIATIONS ACT (P.L. 98-146) $200,000 IS PROVIDED TO THE CITY FOR THE PURPOSE OF STUDYING THE SOCIO-ECONOMIC IMPACT ON THE COMMUNITY AS WELL AS TO IDENTIFY AND ANALYZE POSSIBLE USES FOR THE FACILITIES."

THE FACILITY HAS LONG PLAYED AN ACTIVE ROLE IN THE ECONOMIC WELL-BEING OF BRIGHAM CITY. ITS ADVANTAGEOUS LOCATION HAS MADE IT A PRIME RESOURCE OF EMPLOYMENT IN THIS PART OF UTAH. IT IS MY FEELING THAT THE LOCAL GOVERNMENT IS BEST ABLE TO DETERMINE THE FUTURE USE OF THIS FACILITY AND WHAT ROLE IT WILL PLAY IN THE COMMUNITY.

ONE MIGHT THINK OUR BILL IS UNIQUE IN THAT WE ARE ASKING FOR A CLEAR TITLE TO THE PROPERTY WITHOUT COMPENSATION TO THE FEDERAL GOVERNMENT. MAYOR PETER C. KNUDSON OF BRIGHAM CITY LIKEWISE TESTIFIED BEFORE THE HOUSE SUBCOMMITTEE ON MARCH 22, 1984. HE POINTED OUT THREE DIFFERENT ASPECTS IN WHICH THE PEOPLE OF BRIGHAM CITY DID ALL THAT THEY COULD TO ASSURE THAT THE FACILITY COULD BE ORIGINALLY BUILT. LET ME QUOTE HIS COMMENTS ON THESE THREE AREAS:

> FIRST, THE CITIZENS OF BRIGHAM CITY, UNDER THE INITIATIVE OF THE LOCAL ELECTED OFFICIALS ACQUIRED THE SUBJECT PROPERTY WITH ITS OWN FUNDS AND DONATED

THE PROPERTY TO THE U.S. GOVERNMENT FOR USE AS AN ARMY HOSPITAL IN 1942.

SECOND, THE CITY COUNCIL AT ITS OWN EXPENSE INSTALLED ALL ESSENTIAL PUBLIC SERVICES THAT HAVE SERVED THE PROPERTY INCLUDING: (1) ELECTRICAL POWER, (2) WATER LINES, (3) SEWAGE DISPOSAL, (4) ACCESS ROADS AND, (5) FURNISHED MATERIALS FOR CONSTRUCTION OF THE ORIGINAL BUILDINGS ON THE SITE. ALTHOUGH AN EXACT COST ESTIMATE IS NOT AVAILABLE, THE CITY'S CONTRIBUTION TOWARD THESE SERVICES WAS SIGNIFICANT.

THIRD, THE CITY COUNCIL SUBSEQUENTLY VACATED CERTAIN PUBLIC STREETS ADJACENT TO THE PROPERTY TO PERMIT EXPANSION OF THE HOSPITAL FACILITY.

AS YOU CAN SEE, BRIGHAM CITY HAS HAD A VESTED INTEREST IN THE FACILITY SINCE ITS BEGINNING. IN FACT, ONE MIGHT EVEN SAY THAT THE CITY HAS, IN EFFECT, ALREADY PAID FOR THE FACILITY. BY DEEDING THIS PROPERTY BACK TO THE CITY, WE WILL ASSURE THAT THE FACILITY WILL NOT GO TO WASTE, AND THAT IT WILL DEVELOP INTO A PRODUCTIVE RESOURCE WHICH WILL BE USED FOR MANY YEARS TO COME BY THE PEOPLE OF UTAH.

IN CONCLUSION, MR. CHAIRMAN, THIS FACILITY HAS PLAYED A MAJOR ROLE IN THE ECONOMIC SITUATION OF BRIGHAM CITY AND WE HAVE BEEN GRATEFUL FOR THIS, BUT NOW THE FEDERAL GOVERNMENT HAS CONCLUDED ITS USE FOR THE PROPERTY AND IT ONLY SEEMS FAIR THAT WE RETURN THE LAND AND THE BUILDINGS BACK TO THE ORIGINAL OWNERS SO THAT THEY CAN IMMEDIATELY PUT THE FACILITY BACK INTO PRODUCTIVE USE FOR THE GOOD OF THE WHOLE COMMUNITY THE ENTIRE UTAH CONGRESSIONAL DELEGATION IS SUPPORTING THIS BILL. IT IS ALSO MY UNDERSTANDING THAT THE SECRETARY OF THE INTERIOR IS LIKEWISE SUPPORTIVE OF THIS MEASURE. I AM HOPEFUL THAT THIS BILL CAN MOVE QUICKLY THROUGH THE COMMITTEE PROCESS AND BE MARKED UP AS SOON AS POSSIBLE. I MIGHT ADD, SENATOR WALLOP, THAT YOU AND YOUR STAFF HAVE BEEN VERY HELPFUL IN SEEING THAT THIS MATTER RECEIVES THE UTMOST ATTENTION OF THE SENATE, AND I APPRECIATE THAT.

Senator WALLOP. Do we have additional testimony on S. 2015? OK, the next is S. 1995 by Senator Johnston to provide for conveyance of certain mineral interests of the United States in property in Louisiana to the record owners of the surface of that property.

STATEMENT OF FRANK A. EDWARDS, ASSISTANT DIRECTOR, LAND RESOURCES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, ON S. 1995

Mr. EDWARDS. Mr. Chairman, I appreciate the opportunity to appear before the committee this afternoon to testify on the Department's views on S. 1995. This bill would direct the Secretary of the Interior to convey to the record owners of surface rights all mineral rights reserved to the United States on about 5½ acres located in Lafourche Parish, LA.

We strongly oppose enactment of S. 1995. Surface ownership of the land described in S. 1995 was conveyed through the issuance of a patent pursuant to the Color of Title Act. The patent reserved the minerals to the United States as required by the act since the lands were involved in an oil and gas lease. In addition to that, the applicant did not specifically request the minerals at the time the application was made under the Color of Title Act. In 1979 the surface owner applied to the Bureau of Land Management for conveyance of the federally owned mineral interests under section 209 of the Federal Land Policy and Management Act. That section provides that the Secretary of the Interior may convey Federal mineral interests if he finds that there are no known mineral values in the land or that the reservation of the mineral rights in the United States is interfering with or precluding appropriate nonmineral development of the land and that such development is a more beneficial use of the land.

BLM requested that the Geological Survey prepare a report on the oil and gas mineral value of the land. The USGS reported that the tract is valuable for oil and gas and that a gas field is located less than 1 mile from the tract.

BLM denied the applications because it did not meet the requirements of section 209 of FLPMA. The applicant failed to demonstrate that the reservation of the mineral rights in the United States is interfering with or precluding appropriate nonmineral development of the land and that such development is a more beneficial use of the land than mineral development.

The applicant appealed the decision to the Department of the Interior Board of Land Appeals. On June 26, 1981, the Interior Board of Land Appeals affirmed the decision of BLM denying the application. This matter has been thoroughly considered by the Bureau and by the Interior Board of Land Appeals, and we see no need for this legislation which would circumvent the Federal Land Policy and Management Act. In addition, we know of no equities or justification that would warrant granting of this special benefit.

This concludes my statement. I will be glad to answer any questions.

[The prepared statement of Mr. Edwards on S. 1995 follows:]

MAY 22 1984

STATEMENT OF FRANK A. EDWARDS, ASSISTANT DIRECTOR, LAND RESOURCES, BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON S. 1995, A BILL "TO PROVIDE FOR THE CONVEYANCE OF CERTAIN MINERAL INTERESTS OF THE UNITED STATES IN PROPERTY IN LOUISIANA TO THE RECORD OWNERS OF THE SURFACE OF THAT PROPERTY."

I appreciate the opportunity to appear before the subcommittee this morning to discuss the Department of the Interior's views on S. 1995.

S. 1995 would direct the Secretary of the Interior to convey to the record owners or successors or heirs of the surface rights of certain described land all mineral interests reserved to the United States. The lands comprise about 5 1/2 acres and are located in Lafourche Parish, Louisiana.

We strongly oppose enactment of S. 1995.

Surface ownership of the land described in S. 1995 was conveyed through the issuance of a patent pursuant to the Color of Title Act. The patent reserved the minerals to the United States. In 1979 the surface owner applied to the Bureau of Land Management (BLM) for conveyance of the federally-owned mineral interests under section 209 of the Federal Land Policy and Management Act (FLPMA). Section 209 of FLPMA provides that the Secretary of the Interior may convey Federal mineral interests if he finds that there are no known mineral values in the land or that the reservation of the mineral rights in the United States is interfering with or precluding appropriate nonmineral development of the land and that such development is a more beneficial use of the land.

After receipt of the application for conveyance of the mineral interests, BLM requested that the Geological Survey prepare a report on the oil and gas mineral value of the land. The Geological Survey prepared the report which stated that the tract is valuable for oil and gas and that a gas field is located less than a mile from the tract.

BLM denied the application because it did not meet the requirements of section 209 of FLPMA. The Geological Survey had reported that the tract is valuable for oil and gas, and therefore the application did not meet the first requirement of section 209 that there be no known mineral values in the land. In addition, the application failed to demonstrate that the reservation of the mineral rights in the United States is interfering with or precluding appropriate nonmineral development of the land and that such development is a more beneficial use of the land than mineral development. The present and proposed uses of the parcel are for agriculture, which is not incompatible with oil and gas development. The applicant also suggested that community growth in the future may call for residential development of the land. However, such speculation as to future use does not meet the statutory requirement of present interference with use of the surface.

The applicant appealed the decision of the Bureau to the Interior Board of Land Appeals. On June 26, 1981, the Interior Board of Land Appeals affirmed the decision of BLM to deny the application.

This matter has been thoroughly and carefully considered by the Bureau of Land Management and the Interior Board of Land Appeals, and we see no need for this legislation which would circumvent the Federal Land Policy and Management Act. In addition, we know of no equities or justification that would warrant granting this special benefit.

I will be pleased to respond to any questions the subcommittee may have.

Senator WALLOP. Thank you. Is there pending mineral development on that?

Mr. EDWARDS. There was an oil and gas lease on the land from 1955 to 1965, and it is not, as far as we know, pending development at this time. However, the Color of Title Act required that when we passed title, if there was an oil and gas lease on the land, we could not pass title to the minerals. We had to reserve them.

Senator WALLOP. Is there any production down there now?

Mr. EDWARDS. There is no production on the land. There is production within 1 mile of the area.

Senator WALLOP. I appreciate your testimony. Is there other testimony on S. 1995?

[No response.]

Senator WALLOP. S. 2036, the one Senator Hatch just spoke of.

STATEMENT OF RICHARD M. BALSIGER, DIRECTOR, OFFICE OF ADMINISTRATION, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. BALSIGER. I am pleased to have the opportunity to present the views of the Department of the Interior on S. 2036, a bill "To require the Secretary of the Interior to convey to the city of Brigham City, UT, certain land and improvements in Box Elder County, UT."

I have submitted a written statement which I would like to highlight for you in the interest of time.

Basically, Senator Hatch has well defined the bill. I would like to point out that we have no objections to the transfer of the property to Brigham City. It served the Federal Government well. It was built in 1943 as an Army hospital. It was transferred to the Bureau of Indian Affairs in 1949, and up until this time it has been serving the education needs of Indian students. We had as much as 2,400 Navajos there at one time.

Our enrollment has declined as Indians are being educated closer and closer to home. We were directed by the Congress to close the school on June 30 of this year. It will cost the Federal Government between $500,000 to $1 million just to mothball the facilities and keep it protected until it can be disposed of under the Federal Property Act or by action of this Congress.

Senator WALLOP. Can I interject something? Were we to pass this legislation in advance of the procedures under FLPMA, would that satisfy the governmental $1 million or thereabouts that they are talking about to mothball it and preserve it until it takes place?

Mr. BALSIGER. Absolutely.

Senator WALLOP. In a way it would be to everybody's benefit to move that.

Mr. BALSIGER. That's right.

Senator WALLOP. Thank you. Go ahead.

Mr. BALSIGER. There is only one other thing that I would like to mention. We have already transferred to Brigham City other small tracts of the land by deeds which contain restraints on use which are different from those in S. 2036. We suggest that this bill be amended to include these tracts to free up the title. I have no further statement.

Senator WALLOP. Thank you very much.
[The prepared statement of Mr. Balsiger on S. 2036 follows:]

STATEMENT OF RICHARD M. BALSIGER, DIRECTOR, OFFICE OF ADMINISTRATION, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, UNITED STATES SENATE ON S. 2036, A BILL "TO REQUIRE THE SECRETARY OF THE INTERIOR TO CONVEY TO THE CITY OF BRIGHAM CITY, UTAH, CERTAIN LAND AND IMPROVEMENTS IN BOX ELDER COUNTY, UTAH."

May 22, 1984

Mr. Chairman and Members of the Committee, I am pleased to have the opportunity to present the views of the Department of the Interior on S. 2036, a bill "To require the Secretary of the Interior to convey to the City of Brigham City, Utah, certain land and improvements in Box Elder County, Utah."

The Administration believes that adequate authority exists for handling such conveyances under the Federal Property Act and the Federal Land Policy and Management Act, and prefers to handle this case under existing law. However, if the Congress deems it desirable to enact this new authority, we would not object to the enactment of S. 2036.

If enacted, S. 2036 would transfer 170 acres, more or less, of Federally-owned land presently administered by the Bureau of Indian Affairs, to the City of Brigham City, Utah. All right, title, and interest of the United States in and to such land, including any improvements thereon, will be included in the transfer without compensation to the Federal Government. The transfer would occur after the Bureau of Indian Affairs no longer has a use or need for the land on which to operate an Indian school.

The property which is the subject of this legislation is a portion of the remaining 182.85 acres of approximately 299 acres acquired by the War Department in 1942 and 1943 as the site for the Bushnell General Hospital.

We are informed that the City of Brigham City, as an incentive for the U.S. Government to locate the hospital in the area, provided $60,000 to purchase 17 tracts of land totalling 221.85 acres which comprised the bulk of the hospital property. Moreover, we understand the City agreed to provide power lines, water and sewage lines, hard surface roads to the site, and sand and gravel for building construction at no cost to the Federal Government to aid in the war effort.

The 3,700 bed general and psychiatric hospital was completed in 1943, at a total cost of $9,822,915, and was used by the Army until 1946. It was declared surplus in that year after being rejected for hospital use by the Veterans Administration due to the lack of medical and support personnel in the vicinity, as well as the difficulty in maintaining the facility.

By the Act of March 17, 1949 (63 Stat. 14) the site, buildings, and appurtenant personal property were transferred from the War Assets Administration to the Secretary of the Interior for use by the Bureau of Indian Affairs as a vocational school for Indian children as well as for housing and training of adult Indians for off-reservation employment.

The premises have been used for those purposes and denoted the Intermountain Boarding School since that time. In recent years enrollment at the school has declined and facilities have been underutilized. The school's physical plant is in need of renovation and repair at cost estimates ranging from $5-$10 million. This situation prompted the Congress to direct the School's closing by June 30, 1984 in the FY 1984 Interior Appropriations Act (P.L. 98-146).

In compliance with the order to close the Intermountain Boarding School, we have begun preparation to report the property as excess to the Bureau of Indian Affairs' program needs and plan to submit a Report of Excess to the General Services Administration by the close of this school year. At this point, we plan to dispose of the property by September 30, 1984, pursuant to required scheduling under the President's Work Space Management Initiative.

The FY 1985 closure costs as well as maintenance and security for the facility are budgeted at $1.7 million. In future years, until the property is disposed of, the Federal Government will have continuing maintenance and security costs estimated at between $500,000 and $1 million per year.

As noted, the property is excess to the needs of the Bureau and to the Department. To renovate the structures to make them suitable for some other Federal function would be inordinately expensive. Therefore, we would not object to the no-cost transfer of the property to Brigham City, if the Congress deems it desirable to do so.

Moreover, Congress has already indicated its interest in conveying the site to the City. In the FY 1984 Interior Appropriations Act (P.L. 98-146) $200,000 is provided to the City for the purpose of studying the socio-economic impact on the community as well as to identify and analyze uses for the facilities.

However, we suggest that the bill be amended to include the transfer of the 16.619 acre and the 81.2 acre tracts previously conveyed to the City of Brigham City. Both deeds contain restrictions on use which are different

from those in S. 2036. Inclusion of these tracts in this legislation would assure all the Intermountain School property conveyed to the city be held in the same status.

We believe the description of the property and the amount of remaining acreage contained in the bill is inaccurate. To avoid this problem we would suggest that the bill simply authorize the Secretary to convey the remaining Federally-owned property at the Intermountain Boarding School following publication of a description of the lands to be transferred in the Federal Register.

This concludes my prepared statement. I will be happy to answer any questions you or the Committee may have.

Senator WALLOP. It would seem to me it might be of some benefit to make a priority and get it done before they have to pay a few taxpayer dollars. Thank you. Any others on S. 2036?

[No response.]

Senator WALLOP. S. 2082.

STATEMENT OF MARY LOU GRIER, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 2082

Ms. GRIER. S. 2082 directs the National Park Service within 7 years to prepare and publish an inventory of Olmsted Historic Landscapes. The inventory would be prepared in consultation with the Advisory Council on Historic Preservation and with participation of State officials, public and private organizations, and individuals. The bill directs that certain properties be studied for possible designation as national landmarks and for listing on the world heritage list.

In addition, the bill directs the Service to promulgate standards for preservation of historic landscapes, provide technical assistance on identification, commemoration, and preservation of Olmsted Historic Landscapes, conduct a 3-year thematic study of potential historic landmarks, and establish a program for the use of the Frederick Law Olmsted National Historic Site as a center for research and related activities. The bill also directs appropriate activities to be conducted during the decade, 1985–95, to commemorate Olmsted achievements, including a symposium in 1985, an exhibit and film and opening of completed archives at the national historic site. Finally, the bill establishes an advisory committee to assist the Advisory Council on Historic Preservation to be appointed by the chairman of that body.

We recommend against the enactment of S. 2082. The general objectives as well as specific requirements of the bill can all be ac-

complished under existing laws and programs—specifically the Historic Sites Act of 1935 and the National Historic Preservation Act. Further, the enactment of S. 2082 with its mandated requirements would effectively place Olmsted studies, inventories, and technical assistance in first priority for staff time and funding.

The National Park Service has authority to conduct a theme study of landscape architecture to determine what properties are nationally significant and deserving of national historic landmark designation. Olmsted landscapes would be included in any such study, but so also would the works of other landscape architects that should be identified and protected. At such time as budgetary conditions permit, we will program such a national historic landmark theme study.

Inventories of these historic landscapes need not be solely a Federal responsibility. We understand that the American Society of Landscape Architects has plans to begin a 10-year multi-State effort to identify and inventory historic landscapes. In addition, groups that are interested specifically in preserving Olmsted landscapes have already documented many of his efforts. We applaud these initiatives. Much of what S. 2082 mandates the Federal Government to do can be and is being done by interested public and private groups. We would like to work together with such groups when we undertake the theme study. Thank you, Mr. Chairman.

Senator WALLOP. Thank you. Are there others?

[No response.]

Senator WALLOP. S. 2136.

STATEMENT OF FRANK A. EDWARDS, ASSISTANT DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, ON S. 2136

Mr. EDWARDS. Yes, Mr. Chairman. S. 2136 would amend section 507(c)(2) of the National Parks and Recreation Act of 1978 to authorize the Secretary of the Interior to exchange with the city of Los Angeles certain lands managed by the Bureau of Land Management in the vicinity of Haiwee Reservoir in Inyo County for certain lands controlled by the city of Los Angeles which are associated with the Upper Franklin Reservoir in the city of Los Angeles. Lands acquired by the Secretary pursuant to such an exchange would be transferred, without cost, from BLM to the National Park Service for the purposes of the Santa Monica Mountains National Recreation Area. The values of the lands exchanged under S. 2136 would be required to be equal or to be equalized in accordance with section 206 of the Federal Land Policy and Management Act of 1976.

Senator WALLOP. Let me interrupt you at that point. Congresswoman Fiedler is here. I would like to take her testimony and then we will continue where you left off.

STATEMENT OF HON. BOBBI FIEDLER, A U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mrs. FIEDLER. Thank you, Mr. Chairman. I too wanted to come and tell you I am supportive of the funds and exchanges for the Santa Monica Mountains, the exchange of land, and to ask for the

committee's support of that effort. I know that my colleague, Congressman Berman wants to be here. I have gone much more into depth in my statement. I won't take your time right now with that, but I just wanted to express my support.

Senator WALLOP. Thank you very much. I would be happy to listen to more detail if you wish to give it. We will put your statement in the record in its entirety.

Mrs. FIEDLER. Thank you.

[The prepared statement of Mrs. Fiedler follows:]

STATEMENT OF

CONGRESSWOMAN BOBBI FIEDLER

REGARDING S. 2136

BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

COMMITTEE ON ENERGY AND NATURAL RESOURCES

UNITED STATES SENATE

MAY 22, 1984

Mr. Chairman, I appreciate this opportunity to speak in support of S. 2136 introduced by Senator Pete Wilson. I represent the California's 21st District which includes parts of Los Angeles and Ventura Counties. My district also includes portions of the Santa Monica Mountains which is the subject of today's hearing.

Over the years, I have developed a special interest in the scenic and natural beauty of the Santa Monica Mountains. I was born and raised in Santa Monica, California, and, as a youngster, I grew to appreciate the natural setting of this wooded area adjacent to the coast line that is so unique to the semi-arid Los Angeles region.

Our mountain area was recognized by Congress in 1978 when it established the Santa Monica Mountains National Recreation Area to preserve and enhance this scenic, natural and historical setting for the benefits of its residents and for the visitors to our area. This area is one of the few places in Los Angeles where residents can escape from the

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urban metropolis to a wooded, mountaneous environment without traveling a long distance.

S. 2136 is an amendment to the National Parks and Recreation Act of 1978 to simply enable the Secretary of the Interior to exchange Federal lands in the vicinity of the City of Los Angeles' Haiwee Reservoir in Southern Inyo County, California, for City-owned lands located in the Santa Monica Mountains in Los Angeles and thereby to include these lands in the Santa Monica Mountains National Recreation Area. The City-owned lands, located in the Upper Franklin Canyon area, are considered an important link in the Cross Mountain Park section of the Recreation Area. The area contains some characteristics not common in the Santa Monica Mountains, such as marsh areas, water fowl nesting and feeding areas, because of the presence of water at Franklin Reservoir. Under the National Parks and Recreation Act, however, acquisitions to the Recreation Area can only take place by donation. Thus, this bill is intended to authorize this addition to take place by a land exchange rather than by donation.

I understand that the City's proposal is to transfer 30 acres of expensive property, including a water reservoir, which would enhance the area consistent with the Congressional purposes of the Santa Monica National Recreation Area. I would like to point out that this modest land area addition is enhanced by the existence of the water reservoir. The 3,000 acres of desert scrub lands that the City desires to acquire will help to consolidate its land ownership so as to protect its water and power facilities so critical to its

water supply operations. To the best of my knowledge, these lands controlled by the Bureau of Land Management are not being used for any specific purpose nor are they of any utility to the Federal government. I believe these desert lands would far better serve the City of Los Angeles in its efforts to protect and maintain its critical water supply system.

The House Interior Subcommittee on Public Lands and National Parks approved H.R. 3331 on May 17, 1984 with minor amendments. The original version of H.R. 3331 is identical to S. 2136. We urge your Subcommittee to consider this perfected version of S. 2136. I noticed that in its September 20, 1983 testimony, the Department of Interior raised several concerns related to H.R. 3331. On the whole, the issues raised in their testimony appear to be minor in nature and should not stand in the way of this legislation.

In summary, I believe that S. 2136 is a constructive proposal that we, in Los Angeles, would hope it receives favorable consideration by your subcommittee.

Mr. Chairman, thank you again for this opportunity to express my views.

Senator WALLOP. You are welcome to stay and listen to the administration's position if you wish.

Mrs. FIEDLER. I think we have votes going on on the other side, too, so I will leave you with my statement and expression of support and hope that the administration is willing to support this effort, or at least be able to come to agreement with it. We think it is a reasonable step to take.

Senator WALLOP. Thank you very much. I appreciate it.

You can continue.

Mr. EDWARDS. This seems to be my unlucky day. My next line was that we oppose enactment of S. 2136. We understand the purpose of this bill is to enable the city of Los Angeles to acquire 3,100 acres of Federal lands administered by the Bureau of Land Management for approximately 30 acres of the 365 acres that the city of Los Angeles owns in the Franklin Reservoir area in the Santa Monica Mountains National Recreation Area.

BLM is working on a proposal to sell lands in the vicinity of the Haiwee Reservoir to the city of Los Angeles. We have identified

significant Native American/culture values in the Rose Spring Area of critical environmental concern. This would reduce the amount of acreage available to the city of Los Angeles to approximately 2,760 acres. There are also a number of mining claims in the area which would further complicate a sale or exchange of the Haiwee Reservoir lands.

The provisions of the National Parks and Recreation Act of 1978 that created the Santa Monica Mountains National Recreation Area clearly state that any lands owned by the State of California or any of its political subdivisions may be acquired only by donation, except in certain circumstances which do not apply in this case.

Acquisition of lands for the Santa Monica Mountains National Recreation Area through this proposed exchange is not in keeping with the original intent of Congress. We believe that the continuation of that policy is a wiser course.

We have been informed that the lands controlled by the city of Los Angeles, which it proposes to convey by exchange, comprise about 30 acres while the lands managed by BLM total about 3,100 acres. This disparity in acreage raises several questions of value. Section 206 of FLPMA requires values of the land to be equal, or if not equal, they shall be equalized by payment of money as long as the payment does not exceed 25 percent of the total value of the lands or interests transferred out of Federal ownership. However, compliance with the equalization of values requirements may be difficult if not impossible.

The National Park Service's draft land protection plan for the recreation area does not specifically address the protection of the city lands surrounding the Upper Franklin Reservoir, but it does assume that all publicly owned lands will be acquired, if at all, by donation. We know of no plans by the city to sell or otherwise change the use of the lands; therefore, we see no need for Federal acquisition. We have conducted no study of what problems and liabilities the Federal Government would be faced with if it were to acquire a reservoir which I understand is old and inactive.

In planning for the sale of the 3,100 acres in the vicinity of the Haiwee Reservoir concerns were raised about and consideration was being given to cultural values and bald eagle winter perching habitat sites which could be adversely affected by a transfer of the lands. These concerns can be addressed in any sale of the lands. We cannot assure that the same concerns can be properly addressed in an exchange.

We firmly believe that if the city of Los Angeles wishes to acquire the lands in Inyo County, it should continue to participate in the proposal to acquire them by purchase. The environmental analysis concludes that a sale is appropriate. Disposal through sale under section 203 of FLPMA of some of the Haiwee Reservoir lands would resolve some of the complex issues and problems which would accompany the acquisition of the lands of the city through the exchange process.

That concludes my statement. I will be willing to answer any questions.

[The prepared statement of Mr. Edwards on S. 2136 follows:]

MAY 22 1984

STATEMENT OF FRANK A. EDWARDS, ASSISTANT DIRECTOR, LAND RESOURCES, BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LAND AND RESERVED WATER, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON S. 2136, A BILL "TO AUTHORIZE THE EXCHANGE OF CERTAIN LANDS BETWEEN THE BUREAU OF LAND MANAGEMENT AND THE CITY OF LOS ANGELES FOR PURPOSES OF THE SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA."

I appreciate the opportunity to appear before the subcommittee this morning to discuss the Department of the Interior's views on S. 2136.

S. 2136 would amend section 507(c)(2) of the National Parks and Recreation Act of 1978 to authorize the Secretary of the Interior to exchange with the City of Los Angeles certain lands managed by the Bureau of Land Management (BLM) in the vicinity of the Haiwee Reservoir in Inyo County for certain lands controlled by the City of Los Angeles which are associated with the Upper Franklin Reservoir in the City of Los Angeles. Lands acquired by the Secretary pursuant to such an exchange would be transferred, without cost, from BLM to the National Park Service for the purposes of the Santa Monica Mountains National Recreation Area. The values of the lands exchanged under S. 2136 would be required to be equal or to be equalized in accordance with section 206 of the Federal Land Policy and Management Act of 1976.

We oppose enactment of S. 2136.

We understand the purpose of this bill is to enable the City of Los Angeles to acquire approximately 3,100 acres of Federal land administered by the Bureau of Land Management in Inyo County associated with the Haiwee Reservoir. In exchange for this the City of Los Angeles would convey to the United States about 30 acres of the 365 acres of land it owns at Franklin Reservoir which is within the boundary of the Santa Monica Mountains National Recreation Area.

BLM is working on a proposal to sell lands in the vicinity of the Haiwee Reservoir to the City of Los Angeles. The City cooperated with BLM in preparing the environmental assessment which has been completed. We have identified significant Native American/Cultural values in the Rose Spring Area of Critical Environmental Concern. This would reduce the amount of acreage available to the City of Los Angeles to approximately 2,760 acres. In addition, there are a number of mining claims in the area which would further complicate a sale or exchange of Haiwee Reservoir lands.

The provisions of the National Parks and Recreation Act of 1978 that created the Santa Monica Mountains National Recreation Area clearly state that any lands owned by the State of California or any of its political subdivisions may be acquired only by donation, except in certain circumstances which do not apply in this case. Acquisition of lands for the Santa Monica Mountains National Recreation Area through this proposed exchange is not in keeping with the original intent of Congress. We believe that continuation of that policy is a wiser course.

Although specific land descriptions are not provided in S. 2136, we have been informed that the lands controlled by the City of Los Angeles, which it proposes to convey by exchange, comprise about 30 acres while the lands managed by BLM total about 3,100 acres. This disparity in acreage raises serious questions of value. Inasmuch as S. 2136 directs that the exchange be in accordance with section 206 of FLPMA, the problems could be of such magnitude as to prevent the consummation of the exchange. Section 206 of FLPMA requires the values of the lands to be equal, or if they are not equal,

they shall be equalized by the payment of money as long as the payment does not exceed 25 percent of the total value of the lands or interests transferred out of Federal ownership. Not all of the lands involved have been appraised so we have no idea of what the land values may be. However, compliance with the equalization of values requirements may be difficult if not impossible. In addition, if the lands are to remain as recreation areas as part of the Santa Monica Mountains National Recreation Area they would not have the value that might be ascribed to them under other circumstances. This makes the process of establishing and equalizing values even more complex.

We have been told that the City of Los Angeles owns the 30 acres of land it wants to use for exchange purposes. However, S. 2136 refers to lands "controlled by the city of Los Angeles." The word "controlled" implies that the City has less than a fee simple interest in the subject lands. If the City owns the lands outright, the bill should be amended to reflect that.

The National Park Service's draft land Protection Plan for the recreation area does not specifically address the protection of the City lands surrounding the Upper Franklin Reservoir, but it does assume that all publicly owned lands will be acquired, if at all, by donation. We know of no plans by the City to sell or otherwise change the use of the lands; therefore, we see no need for Federal acquisition. We have conducted no study of what problems and liabilities the Federal Government would be faced with if it were to acquire a reservoir which I understand is old and inactive.

In planning for the sale of the 3,100 acres in the vicinity of the Haiwee Reservoir concerns were raised about and consideration was being given to cultural values and bald eagle winter perching habitat sites which could be adversely affected by a transfer of the lands. These concerns can be addressed in any sale of the lands. We cannot assure that the concerns can be properly addressed in an exchange. There is no provision in S. 2136 for inclusion of terms and conditions in the document of transfer of title resulting from the exchange. Section 208 of the Federal Land Policy and Management Act provides for inclusion of terms and conditions in patent and conveyance documents but specifically excludes documents resulting from an exchange.

We firmly believe that if the City of Los Angeles wishes to acquire the lands in Inyo County, it should continue to participate in the proposal to acquire them by purchase. The environmental analysis concludes that a sale is appropriate. Disposal through sale under section 203 of FLPMA of some of the Haiwee Reservoir lands would resolve some of the complex issues and problems which would accompany the acquisition of the lands of the City through the exchange process.

I would be pleased to respond to any questions that the subcommittee may have.

Senator WALLOP. I have a number of statements, all of which I will read and ask you to supply for the record.

With regard to the exchange, presumably if we put the protections that you can't administratively exercise into the statute, you can secure the protection of wildlife. I think you mentioned bald eagles.

Mr. EDWARDS. If they were included in the legislation, it would have to be because FLPMA provides that in conveyances we can stipulate in the case of disposals or sale or otherwise, but there is an exception for land exchanges. So there is a question as to whether we can provide that same sort of stipulation under an exchange.

Senator WALLOP. We would like to ask you to provide for us what stipulations you would put under normal circumstances to provide the protection you seek.

Mr. EDWARDS. We would be glad to do that as best we can at this point. We haven't had a full study of it. They will probably be more generic and specific.

[The information follows:]

With regard to cultural resource values, a stipulation we would consider might be worded as follows:

> The city shall assume full responsibility for the protection of cultural resources and shall develop a cultural resource management program for the public lands to be transferred to the city in the vicinity of the Haiwee Reservoir. The program shall be developed in consultation with, and shall be acceptable to, the Bureau of Land Management, United States Department of the Interior, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation. The land exchange authorized by this Act shall not be consummated until the cultural resource management program has been accepted by all the parties named in this section.

With regard to the concerns we had expressed about the bald eagle, the U.S. Fish and Wildlife Service (FWS) has provided us with a "no jeopardy" opinion based on its further analysis of the impact of the potential transfer of the lands to the city of Los Angeles. The FWS stated that transferring the public lands adjacent to Haiwee Reservoir to LADWP by sale or exchange is not likely to jeopardize the continued existence of the bald eagle. The reservoir is on the periphery of the bald eagle range, is not used regularly, and probably has a low carrying capacity. Therefore, the impact of the worst case scenario, the complete loss of the reservoir as eagle habitat, would not significantly affect the bald eagle population. In light of the analysis by the FWS, the Bureau of Land Management does not intend to pursue the matter of the bald eagle any further.

Senator WALLOP. I think that we would like to await that under any circumstances. The other questions, frankly, go to the age of the dam and estimate as to how much it may cost to maintain, and if there are any other structures such as pipelines or pumps the National Park Service would have to maintain. Then we will want some assurances to the committee that the property is safe, that the dam is sound, and it is earthquake proof because I don't think we want to take on a national obligation.

Mr. EDWARDS. We, likewise, would like the same assurances.

Senator WALLOP. Coincidental with that, would follow a question of whether the dam would have to be repaired or rebuilt within the next decade. What kind of recreational activities would the property be suited for? Would the Park Service permit public swimming? And any estimate as to new development that would be required and the cost of that, and under whose obligation? How will the maintenance of a particular water level in the reservoir be accomplished? I don't want to oblige the Government to do something which may be in cross purposes with the city of Los Angeles. Those will be questions which we will submit to the National Park Service for response. In the meantime, I am going to call the committee in recess until I return.

[Recess taken.]

Senator WALLOP. The committee will come to order.

Do you have a statement on S. 2136?

Ms. GRIER. We defer to BLM on that. We will respond to your questions, Mr. Chairman.

Senator WALLOP. We now then go to S. 2331.

STATEMENT OF MARY LOU GRIER, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 2331

Ms. GRIER. Mr. Chairman, S. 2331 deals with the Women's Rights National Historical Park, and permits the Secretary of the Interior to acquire fee-simple title to the McClintock House at 16 East Williams Street, Waterloo, NY, which is currently identified for less-than-fee acquisition under section 1601(d) of Public Law 96–607.

We have no objection to the enactment of this legislation. During consideration of the authorizing legislation for this park, the National Park Service fully supported the concept of recognizing the women's rights movement as a significant part of the history of the United States. The sites involved in the National Historical Park were well documented from a historical point of view. Congress, after deliberation, authorized fee simple acquisition of certain properties and less-than-fee acquisition of other properties.

Since the authorization of this park, work has gone forward on the development of the general management plan and the preparation of a land protection plan, both of which are not yet complete. Also to be undertaken still is the interpretive plan.

Mr. Chairman, we have known that the McClintock House has been for sale along with the church located a few feet away, since our study team prepared the study of alternatives that was ultimately transmitted to Congress in 1979. Since the mid-1970's, no major repairs have been done to either structure, so the process of deterioration has begun to accelerate. The owners have relocated to their new facilities as of August 1982, and since that time the buildings have stood vacant.

Mr. Chairman, the National Park Service is interested in being involved in this site. After all, the McClintock House is the site where the Declaration of Sentiments was written, which is central to what happened at Seneca Falls, NY, in 1848. Therefore, with the flexibility provided in this legislation, the National Park Service will determine the degree of our involvement after both the general management plan and the land protection plan has been submitted to the Director and Assistant Secretary for review and concurrence.

Senator WALLOP. Thank you very much. Is there another comment on that?

[No response.]

Senator WALLOP. Next are S. 1695 and H.R. 3787.

STATEMENT OF GARY E. CARGILL, ASSOCIATE DEPUTY CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE, ON H.R. 3787

Mr. CARGILL. I have a very brief statement, Mr. Chairman. H.R. 3787 would require that the Pony Express Trail and the California Trail be studied. These trails cross National Forest System lands along their routes. We would also allow recognition contribution of the Daniel Boone to establishment of markers along the route of Daniel Boone Heritage Trail. This trail crosses short segments of National Forest System lands also.

Because the Department of the Interior would have a need in this study process and in the coordination of establishment of markers, we would defer to their views on H.R. 3787.

Senator WALLOP. Thank you very much.

STATEMENT OF MARY LOU GRIER, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 1695 AND H.R. 3787

Ms. GRIER. S. 1695 would amend the National Trail System Act to authorize a study of the Pony Express Trail from St. Joseph, MO, to Sacramento, CA. The first section of H.R. 3787, which passed the House on May 1, also authorizes a study of the Pony Express Trail, but in conjunction with a study of the California Trail that runs from Omaha and St. Joseph to various points in California.

We have no objection to the enactment of S. 1695 under section 5(b) of the National Trails System Act. The report would be due to Congress within 3 complete fiscal years. We estimate the cost of completing the study to be $130,000.

Under the first section of H.R. 3787, the study report on the Pony Express and California Trails would be due to Congress within 2 complete fiscal years. We would prefer that this be amended to delete this requirement, thereby permitting 3 years for the report to be produced.

Public Law 98–11, approved March 28, 1983, authorized six new trail studies, of which four are the responsibility of this Department and are being initiated this year. The reports on the six trails are due to Congress by October 1, 1986. Under the provisions of H.R. 3787 as it is now written, the report on the California and Pony Express Trails would be due at the same time.

With these requirements to complete the studies already authorized, we could not assure your committee that we could complete the new study within the time set forth under H.R. 3787. We recommend, therefore, that the normal deadline of 3 fiscal years be applied if the bill is acted upon favorably.

The cost of completing the California Trail study would be approximately $75,000 if done separately. As it was mentioned, those trail routes are contiguous and closely related for significant portions of their lengths, and it would be appropriate to study both concurrently, as provided for in H.R. 3787. That would then provide for an estimated cost of probably $150,000 for both.

Section 2 of H.R. 3787 also recognizes the regional significance of Daniel Boone by authorizing acceptance and placement of markers at appropriate locations.

Public Law 94–527 was approved on October 17, 1976. That law designated eight trail routes for study as potential components of the National Trails System, including the Daniel Boone Trail. The National Park Service led that study and the preparation of the report, which was presented to Congress on November 22, 1983. They found that it would qualify as a National Scenic Trail, but establishment as a component of the system would require extensive acquisition of private land for rights-of-way. The route covered 450 miles of which from 314 to 336 miles traversed private land. Cost estimates for land acquisition ranged from $35 million for a 500-foot-wide corridor to $70 million for a 1,000-foot-wide corridor. Annual operating costs were estimated to be $125,000. Our report

concluded that because of these costs, it was neither feasible nor desirable to propose designation as a National Scenic Trail.

Our study report did, however, identify actions that could be taken to recognize Daniel Boone short of designating the route. One such action was congressional authorization for the Secretary of the Interior to accept donations of markers for placement on lands under his administration and on other Federal lands with the concurrence of the head of the administering agency. This is the approach taken by section 2 of H.R. 3787. We support that section and believe it is a proper way to recognize the high degree of local and regional interest in Daniel Boone, and it will require no additional Federal appropriations.

We note, Mr. Chairman, that the Congress adopted a similar approach to the Bartram Trail in Public Law 98–11.

That concludes my testimony.

Senator WALLOP. Thank you very much. I am somewhat chagrined by the cost estimate required. We will take your recommendation on H.R. 3787 to heart. We believe that may be the appropriate way to go.

Thank you both very much for your testimony. Now we go to public witnesses on various bills. I would remind everybody again that we are going to try the very best we can to limit these oral statements to 5 minutes because of the number of people who wish to testify and the time constraints the commiteee has on this room.

With that admonition, I will use the gavel and see what I can get done. General Clarke, it is a pleasure to welcome you to the table.

STATEMENT OF GEN. BRUCE C. CLARKE, U.S. ARMY (RETIRED), CHAIRMAN, THE ARMORED FORCE MONUMENT COMMITTEE

General CLARKE. I am honored to be present today. This is the first time I have ever appeared before a congressional committee. I am only 83.

Senator WALLOP. You've got time left to make up for it.

General CLARKE. Because of that, I want to point out to you my name is Bruce Clarke. I spell it with an "e," and I am no relation to Mark Clark. Mrs. Clarke got several telephone calls and letters of condolences because I just passed away.

Senator WALLOP. We can assure them that that's not the case. If you need a note from the committee, we will give you one.

General CLARKE. I am honored to be here to support this Resolution 277 which was introduced by three outstanding Senators, the purpose of which was to do honor and memorialize people of the armored force, namely being in World War II. None of the young ladies here are old enough to remember this, but 45 years ago, just about now, the German Panzer force created by Hitler started to overrun Europe. They overran Poland in September 45 years ago. Three or four years later we had created an armored force which defeated the Panzer force of the Germans. That force consisted of supporters around tank units with probably 2 million men.

Now what we propose to do is to create a monument on the Avenue of the Heros which leads from Memorial Circle to the river entrance of the Arlington Cemetery.

There are three or four such monuments there now, one to the 101st Airborne Division, and a couple, three more. We wish to create a modest monument to the armored force and to the 2 million men that have fought and drove tanks in World War I, Vietnam, and Korea. I have served in all of those. I have served in the military ever since the tanks were born some 60 years ago.

Our organization is only a few months old. We are a young organization. We have a constitution. We have raised a little seed money. We have no deficit. We are solvent, and we are about to raise money to build this monument, and I would like you to see the picture of the monument colors. You will notice that the central figure in that monument is the shoulder patch worn by the armored force. It was the most prevalent shoulder patch in Europe in World War II because it was worn by 16 divisions and 64 separate battalions. That was the most prevalent shoulder patch in World War II.

Several members of our committee are here today. The man on my right is General Lynch, and on my left is Colonel Woolf.

As I say, we are started. We need this resolution. We need to get approved by the various people that approve the monuments, and we really need to raise the money. That is all being organized and we are on the way.

Now the armored force was built around the tank. The tank was developed in World War I to help break the impasse caused by trench water. It was built first by the British and was called the tank in order to fool the reporters. We haven't been able to fool them since, but that is why it was called a tank. The Germans took it over after World War I and created the Panzer force which overran all of Europe before we crossed the channel in 1944 and defeated the Panzer force. The American armored force defeated the Panzer force in World War II. We have had tanks in Korea. We had them in Vietnam. The backbone of our force in Europe today is built around tanks. Of course there has been a lot of supporters of tanks. Tanks don't run without gasoline. They need maintenance and all that sort of thing. It has taken those units to keep it going.

I don't think I need to take up any more of your time except to recommend that this resolution be passed so we can go ahead. We don't want any money. We just want authority to go ahead. This is not the first of these monuments. There are four in existence now along the Avenue of the Heroes, and this will be the fifth one.

I wonder if General Lynch would like to add a few words to what I've said?

Senator WALLOP. As briefly as you can because I have a number of other witnesses.

General LYNCH. Mr. Chairman, I have been going over the comments made by the National Park Service, and I think the point was of course that we are not really consistent with some of the guidelines that have been laid down, but I think this is a matter of interpretation. Perhaps in our schematic selection we pick the wrong things, but we are really in my view taking what would be a memorialization of an exceptional significant event in terms of quality and value.

When the armored force was first begun, General Chaffe said that, "armor is a state of mind," and he visualized the forces that

pursue this calling would be both alone and out front. And as it came to pass, they were alone at both offense and defense, and they were out front as much as 60 miles through the course of four wars.

In terms of significance, this one event, the introduction of the armored force changed the nature of land warfare in terms of quality, in terms of execution of warfare itself, the ability to take a force out of it through rapid and violent execution, project power well beyond that normally associated with the force of that size in terms of value in World War II during the Bulge. This was a force that, first of all, protected the infantry division from being annihilated, and then subsequently executed one of the greatest counterattacks in the history of warfare. In Korea they were the ones that provided a buffer between the American forces and the Chinese. In Vietnam they were the first ones in Saigon during Tet. So in summary, this was really a force that had a great impact that we are talking about, 2½ million people.

Senator WALLOP. Sounds like you may want to spend a little time perhaps putting that into an essay for the committee. I would appreciate it.

I appreciate your understanding of our problem with time, General Clarke. It is a privilege to have you here. I hope it is not your last testimony here. And if you stop by the desk, we will give you that note saying you are well and alive.

[The prepared statement of General Clarke follows:]

STATEMENT OF

GENERAL BRUCE C. CLARKE, U. S. ARMY (RETIRED)

CHAIRMAN, THE ARMORED FORCE MONUMENT COMMITTEE

Mr. Chairman, Gentlemen: I appreciate this opportunity to appear before you today to make a brief statement in support of Senate Joint Resolution 277, a bill which would authorize the Armored Force Monument Committee to erect a monument on U.S. Government property in Arlington, Virginia, between the Memorial Bridge and the entrance to the Arlington National Cemetary beside Memorial Drive.

The veterans we propose to honor have served, in peace or war, in either an Armored Infantry, Armored Field Artillery, Armored Engineer, armored or mechanized cavalry or a tank, Armored Air Defense or Tank Destroyer or related unit. They represent several thousands of active duty, National Guard, Reserve or retired soldiers, most of whom are affiliated with mobile warfare associations.

These organizations include among others, the U.S. Armor Association, the Tank Destroyer Association, the World War Tank Corps Association, the Veterans of the Battle of the Bulge, the Council of Armored Division Associations, including 15 separate Armored Division Associations, as well as numerous Armored Cavalry and separate tank or tank destroyer unit Associations. As you can see, this is a formidable group, covering every state constituency in the country. Many of the members of our Armored Force Monument Committee in attendance here are also members of these various associations. They have worked long and patiently to bring us before you today, and they are prepared to answer any specific questions you may have.

The purpose of the monument, as outlined in S.J.R. 277, is to commemorate those "men of flesh and steel" who have served with honor in the "American Armored Force," including the members of such organizations, and other, who have served in Armored or mechanized units of the Armed Forces of the

United States, during World War I or World War II, in Korea or Vietnam, and the decendent members of this armored force who continue to serve with exceptional professionalism to maintain peace worldwide.

This monument would also honor those in the War Department and the U.S. Army like Generals Adna Chaffee and Van Vorhees whose vision and labor helped transform the World War I tank units of General Pershing and Lt. Col. George S. Patton, Jr., and the post war mechanized cavalry engineer, infantry and field artillery units into a formidable American Armored Force that so ably met the challenges of the German and Axis Panzers of World War II and defeated them.

Although our Armored Force Monument Committee has been in operation only a few months, we have a constitution, at Ft. Myer, Virginia Post Office Box Number (#1146), a bank account and seed money to begin our program to erect the monument. Funds for this purpose will be raised from private subscriptions and erection of the monument will be at no cost to the government.

The men of the Armored Force, we propose to honor were among those killed or captured in Bataan; they accompanied the assault troops into North Africa and helped defeat Marshal Rommel and his "AFRIKA Corps"; brought victory in Sicily; broke out of the Anzio Beachead; made the D-Day landings into Normandy; broke out into Brittany and Central France using exploitation, pursuit tactics to defeat German forces in France, Belgium and the lowlands. They heroically held up major Panzer forces at St. Vith for six precious days, and rescued the 101st Airborne Division at Bastogne; and led the final spearheads leading to total defeat of the Axis powers.

We are grateful to Senator Thurmond, and his co-sponsors Senators Warner and Trible for introducing this bill. I understand a similar bill will be introduced into the House of Representatives this week by Congressman Spence and his efforts will be co-sponsored by Representatives Tallon, Holt, Leath, Wolf and Parris. We do appreciate and need their support.

A conceptual design of the monument is enclosed for your review. Concern about proliferation of similar requests for future erection of armored, mechanized or tank unit monuments may be put to rest, since this monument, as noted earlier, represents all those units in this single memorial.

In summary, I urge approval of this monument on basis of the the extraordinary heroic accomplishments of the men of the American Armored Force since World War I, and the major contribution they have made toward the service of the American fighting man in all our wars. I appeal to Congress to permit them to erect this monument to their comrades and to the memory of tenancious fighting days past.

A companion paper by General Clarke is also submitted for the record. "The Birth of the Armored Force," by General Bruce C. Clarke, USA (Retired).

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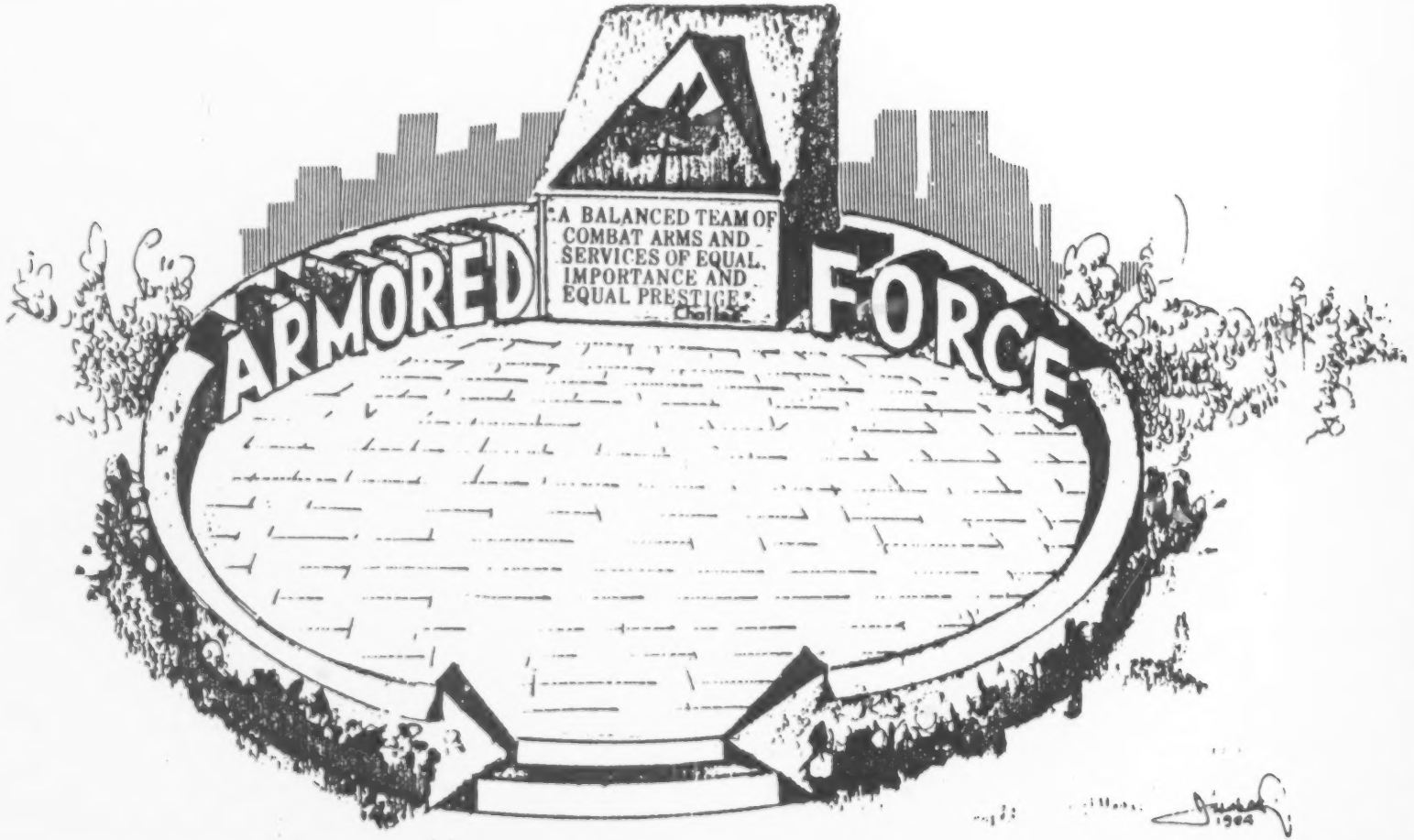
ARMORED FORCE
A BALANCED TEAM OF COMBAT ARMS AND SERVICES OF EQUAL IMPORTANCE AND EQUAL PRESTIGE
1904

The Birth of the Armored Force
by
General Bruce C. Clarke, USA (Ret.)

THE EVOLUTION IN ARMY ORGANIZATION, TACTICS AND EQUIPMENT IN THE PERIOD 1940-45

The National Defense Act of 1920, gave tanks to the Infantry. However, a group of farsighted Cavalrymen and others developed the Army's Mechanized Brigade during the 1930s. Tanks in this brigade were called "Combat Cars" to get around the law.

During the period 1940-1945 many evolutionary changes occurred in the Army. Most were directed by that great soldier and statesman - General George C. Marshall. Here are a few of his accomplishments:

1. He increased the size of the Army from less than 200,000 to about 12,000,000 through a Selective Service System.

2. He closed the Command and Staff School and the Army War College - although he had to reopen Leavenworth on a 2-month course basis, to provide staff officers for the units and divisions of the expanding army.

3. He assigned all tanks to a new Armored Force in 1940. Some 16 Armored divisions followed, in addition to many separate tank, mechanized cavalry units, Armored Field Artillery and Armored Infantry Battalions.

4. He eliminated horse cavalry divisions.

5. The Coast Artillery Corps was also phased out.

6. A Tank Destroyer command, organized at Ft. Hood, was to train and field many combat battalions.

7. The Field Artillery was up-gunned from 75 MM to 105 MM in its direct support battalions. Batteries were increased from 4 to 6 guns each, and armored artillery was mechanized; while horse-drawn artillery was eliminated.

8. The Chiefs of Branches were dropped, except for the Corps of Engineers. Civil works missions saved the Chief of Engineers.

9. Regiments were eliminated in all but the 1st, 2d and 3d U.S. Armored Divisions in favor of self-contained maneuver battalions. Such battalions were to become the standard in our Army organization for combat. Tactical formations were based upon a concept of combined arms battalions, each tailored for combat operations, with a flexible number of tankers, infantrymen, combat engineers and field artillery men.

10. For example, in Patton's Third Army, tanks and armored infantry relied more on exploitation, maneuver and on circling actions to accomplish missions, rather than in the traditional conventional frontal attacks, with limited envelopment after artillery preparations.

11. A new concept of defense was introduced. The concept of static defense - e.g., hold a brittle line at all costs proved less desirable in the Battle of the Bulge, than the more active and flexible mobile defense, which gave ground were necessary, to prevent unit destruction. This was the basis of the successful tactics used at St. Vith, Belgium and in other areas of Armored operations.

12. This evolution of tactics and organization is still going on to meet new challenges.

13. The Army Air Corps was greatly expanded and renamed the Air Force after the War.

14. Liaison planes were increasingly used for control of tactical formations and artillery spotting.

15. Airborne divisions were developed and used with great success.

16. Logistics was expanded and motorized to serve the new Mechanized Army.

This simple and incomplete account of the Army evolution of 1940-1945 was performed under the guiding hand of the "Architect of Victory"- General George C. Marshall. He finished his career as the Secretary of Defense and the Secretary of State. He is considered the outstanding American of the 1940s.

A fallout of General Marshall's guidance was formation of the American Armored Force.

Those of us who served under General Adna Chaffee in these early years were impressed by the wisdom of his concept of mechanized warfare - and organization of the Armored Force which has proven to be a winning combination for over 40 years.

"Armor is more than a branch. It is a state of mind, whereby a balanced team of combat arms and services work together in a climate of equal importance and equal prestige."

Major General Adna R. Chaffee
The Father of the Armored Force

Senator WALLOP. The next witnesses are from Colorado, Ms. Sidney Macy, director of Colorado Office of the Nature Conservancy; and William Sabin, president, Montrose Chamber of Commerce, on S. 2015 and H.R. 3825.

STATEMENT OF MS. SIDNEY S. MACY, DIRECTOR, COLORADO FIELD OFFICE, THE NATURE CONSERVANCY

Ms. MACY. I appreciate the opportunity to comment on the boundary expansion for the Black Canyon. The Nature Conservancy believes that this proposed boundary expansion is important. Black Canyon, as you know, is probably one of the country's premier wild canyons and has much to offer, not only to the people of Colorado, but the Nation.

Recently there has been a growing trend toward development in the area of the monument and most particularly along the north rim. There appears to be a great deal of public concern locally and, of course in the State over this threat to the critical visual integrity of the monument.

At the request of Senator Armstrong and in cooperation with the rest of the Colorado delegation, we, the Nature Conservancy have initiated discussions with one of the land owners in the area. The majority of the land within this proposed expansion is owned by this individual and is threatened with subdivision.

As you may know, over the years the Nature Conservancy has assisted various Federal agencies in their efforts to protect important lands through cooperative acquisitions. We remain prepared to move ahead with negotiations with the land owner at the Black Canyon pending congressional approval of the boundary expansion and approval of the appropriations and at the request of the Park Service. The land owner has indicated a willingness to work with the Conservancy and the Park Service to ensure this protection. He seems very interested in protecting his property.

We consider protection of the Black Canyon's viewshed to be something that has widespread public support in Colorado, and

support of the entire Colorado delegation. We have an opportunity to attack this magnificent area in a cooperative and positive way, and this is the type of cooperative action we would like to see between public agencies and the private sector and which we would be happy to play a role. Thank you.

[The prepared statement of Ms. Macy follows:]

The Nature Conservancy

1800 North Kent Street, Arlington, Virginia 22209
(703) 841-5300

STATEMENT SUBMITTED TO THE PUBLIC LANDS AND RESERVED WATERS SUBCOMMITTEE, SENATE ENERGY AND NATURAL RESOURCES COMMITTEE.

TUESDAY, MAY 22, 1984
BY SYDNEY S. MACY, DIRECTOR, COLORADO FIELD OFFICE
THE NATURE CONSERVANCY

Mr. Chairman, members of the Subcommittee, my name is Sydney Macy. I am the Director of the Colorado Field Office of The Nature Conservancy. I appreciate very much the opportunity to appear before you today to comment on the proposed boundary expansion of the Black Canyon of the Gunnison National Monument in Colorado.

The Nature Conservancy is a national, non-profit organization begun in 1951 and is dedicated to the protection of ecologically significant natural areas and the diversity of life they support. We are the largest private purchaser of natural lands for conservation in this country. Last year alone, we acquired 106,000 acres with a fair market value of approximately $40 million dollars. Over the past twenty years, in addition to establishing 700 nature preserves of our own, we have assisted the federal government with 150 million dollars worth of land acquisitions -- at an estimated savings to the government of about $50 million dollars.

The Nature Conservancy believes that the proposed boundary expansion of the Black Canyon of the Gunnison National Monument in Colorado is important. The Black Canyon is one of this country's premier wild canyons, and offers numerous scientific, educational, cultural and historical benefits. The Gunnison River represents the heart of this National Monument and is a magnificent wild river.

In recent years there has been a growing trend toward development in the area of the Monument and most particularly along the north rim. There appears to be a great deal of public concern over this threat to the critical visual integrity of the Monument.

At the request of Senator William Armstrong and in cooperation with the rest of the Colorado delegation, The Nature Conservancy has initiated negotiations with a landowner in the area. The majority of the land within the proposed expansion area is owned by this individual and is threatened with subdivision.

Over the years, as members of this Committee know, The Nature Conservancy has assisted various federal agencies in their efforts to protect endangered and threatened species, ecosystems, and other important lands through cooperative acquisitions. Our participation in these cooperative ventures has had many advantages for federal agencies. As a private organization, highly specialized in this work, we can move quickly on a purchase which would take the federal government time. We regularly acquire land without the threat of condemnation, or in cases where the landowner may not care to deal with government. We can acquire land at bargain rates where government often has to pay full fair market value.

The Nature Conservancy is prepared to move ahead with negotiations with the owner of the land at the Black Canyon pending Congressional approval of the boundary expansion legislation and approval of appropriations. The landowner has indicated a willingness to work with The Nature Conservancy and the Park Service to ensure protection of this critical view shed.

Protection of the Black Canyon's view shed is something which has widespread public support in Colorado and the support of the Colorado Congressional delegation. We have an opportunity to protect this magnificent area in a cooperative and positive way. It is just this type of cooperative action between public agencies and the private sector which The Nature Conservancy supports and is pleased to be able to play a role in.

Senator WALLOP. Thank you very much.
Mr. Sabin.

STATEMENT OF WILLIAM SABIN, PRESIDENT, MONTROSE COUNTY CHAMBER OF COMMERCE, MONTROSE, CO

Mr. SABIN. I would like to thank you also for holding this hearing and giving me the opportunity to address the subcommittee regarding the Senate bill 2015 and House bill 3825.

My name is Bill Sabin. I am president of the Montrose Chamber of Commerce this year. I am here on behalf of a number of other organizations as well including the Region County Council of Governments representing 6 counties, and 18 towns and cities in Colorado, the city of Montrose, the county of Montrose, Club 20 which is an association of 20 counties, communities, industries, and individuals in the 20 western slope counties of Colorado, the Montrose Hotel-Motel Association, the Montrose Convention and Visitors Bureau, the Montrose County Chamber of Commerce, the Montrose Lions Club which has been actively involved in the Black Canyon for 50 years, the Delta County Chamber of Commerce, and the Ouray County Chamber of Commerce. I have been requested by all these organizations to express to the committee our endorsement of and support for H.R. 3825 and S. 2015.

Mr. Chairman, the foundation of the economy in Montrose, Delta, and Ouray Counties in Colorado is largely agricultural, recreational, tourism with some light industry. Undoubtedly the center of attraction for our tourist industry is the Black Canyon of the Gunnison National Monument. The Black Canyon is widely recognized as a part of the National Park System which possess outstanding recreational opportunities as we have already heard today, and I am not going to elaborate.

I do, however, wish to be sure, and I am not going to belabor you with all of my prepared comments here, that you understand that

there is a broad base of support for this legislation in the western Colorado communities. The organizations that I have indicated that I represent represent essentially all organizations that we could conceivably call to your attention in support of this legislation.

With that, I wish to thank you again for this opportunity to comment to you today, and the opportunity to be here and tell you how we feel about the bill. Thank you.

[The prepared statement of Mr. Sabin follows:]

STATEMENT OF

WILLIAM SABIN

PRESIDENT, MONTROSE COUNTY CHAMBER OF COMMERCE

BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

COMMITTEE ON ENERGY AND NATURAL RESOURCES

ON

H.R. 3825 AND S. 2015 TO DEFINE, EXPAND AND PROTECT THE BOUNDARIES OF

THE BLACK CANYON OF THE GUNNISON NATIONAL MONUMENT

ON BEHALF OF

REGION 10 COUNCIL OF GOVERNMENTS, CITY OF MONTROSE, COUNTY OF MONTROSE, CLUB 20, MONTROSE HOTEL-MOTEL ASSOCIATION, MONTROSE CONVENTION AND VISITORS BUREAU, MONTROSE COUNTY CHAMBER OF COMMERCE, MONTROSE LIONS CLUB, DELTA COUNTY CHAMBER OF COMMERCE, AND OURAY COUNTY CHAMBER OF COMMERCE

MAY 22, 1984

Mr. Chairman, Members of the Subcommittee, I would like to thank you for holding this hearing today and for this opportunity to address the subcommittee with regard to H.R. 3825 and S. 2015, a bill to define and expand the boundaries and protect the viewshed of the Black Canyon of the Gunnison National Monument.

My name is William Sabin, and I am president of the Montrose County Chamber of Commerce in Montrose, Colorado. I am here today on behalf of Region 10 Council of Governments (representing 6 counties and 18 towns and cities), the City of Montrose, the County of Montrose, Club 20 (a coalition of counties, communities, industries and individuals in the 20 western slope counties of Colorado), the Montrose Hotel-Motel Association, the Montrose

CONVENTION AND VISITORS BUREAU, THE MONTROSE COUNTY CHAMBER OF COMMERCE, THE MONTROSE LIONS CLUB, THE DELTA COUNTY CHAMBER OF COMMERCE, AND THE OURAY COUNTY CHAMBER OF COMMERCE. I HAVE BEEN REQUESTED BY THESE ORGANIZATIONS TO EXPRESS TO THE SUBCOMMITTEE OUR ENDORSEMENT OF AND SUPPORT FOR H.R. 3825 AND S. 2015.

MR. CHAIRMAN, THE FOUNDATION OF THE ECONOMY IN MONTROSE, DELTA AND OURAY COUNTIES IS BASED ON AGRICULTURE, RECREATION, TOURISM AND LIGHT INDUSTRY. UNDOUBTEDLY THE CENTER OF ATTRACTION FOR OUR TOURIST INDUSTRY IS THE BLACK CANYON OF THE GUNNISON NATIONAL MONUMENT. THE BLACK CANYON IS WIDELY RECOGNIZED AS A PART OF THE NATIONAL PARK SYSTEM WHICH POSSESSES OUTSTANDING RECREATIONAL OPPORTUNITIES AS WELL AS SCIENTIFIC, EDUCATIONAL, CULTURAL AND HISTORICAL BENEFITS. THIS 12 MILES OF CANYON IS KNOWN AS ONE OF THE WORLD'S PREMIER CANYONS BECAUSE OF THE COMBINED DEPTH, NARROWNESS AND SHEERNESS OF ITS AWESOME WALLS.

WHEN THE NATIONAL MONUMENT WAS ESTABLISHED BY PROCLAMATION OF PRESIDENT HERBERT HOOVER IN 1933, THE AVERAGE ANNUAL VISITATION WAS LESS THAN 15,000. IN 1983 OVER 300,000 VISITORS FROM ALL OVER THE WORLD CAME TO ENJOY THIS UNIQUE NATURAL WONDER. THE BLACK CANYON NOW ATTRACTS A SIGNIFICANT NUMBER OF TOURISTS TO OUR AREA AND AN EXTENSIVE NUMBER OF SUPPORT SERVICES HAVE DEVELOPED TO MEET THE NEEDS OF TOURISTS VISITING OUR AREA. THE MANY BUSINESSES INVOLVED IN TOURISM IN OUR AREA HAVE MADE A SUBSTANTIAL INVESTMENT IN THE FUTURE OF THIS PRISTINE ENVIRONMENT. BECAUSE OF THE IMPORTANT ROLE THE MONUMENT PLAYS IN OUR ECONOMY, THE PROTECTION OF THE VISUAL INTEGRITY OF THE BLACK CANYON BY ENDORSEMENT OF THIS BILL IS EXTREMELY CRUCIAL TO THE PEOPLE OF THIS AREA, AS EVIDENCED BY THE BROAD BASE OF LOCAL SUPPORT.

Because of this heavy dependence on the tourist industry, our economy and the future of our area is now being threatened by commercial subdivision and development with in the monument. This encroachment is what has placed the monument in jeopardy by interferring with, or in some cases, obstructing the viewshed on the north rim of the canyon. It is the desire of the people of this area to protect the beauty and grandeur of this national treasure without having someone's home obstruct the view. Unfortunately, we are unable to buffer some parts of the monument because development has already taken place. However, there is before us an opportunity to protect the aesthetic value of the monument, that is the north rim viewshed.

We applaud Congressman Kogovsek and the families of the landowners for the cooperation that has been demonstrated in bringing this bill about. They have expressed a clear concern for the future of the Black Canyon of the Gunnison National Monument and the local economies in the surrounding areas. The property owners have agreed to be included in this legislative action and not subdivide or develop their property in order to protect the monument. We commend Messrs. Byron LeValley, John Botti, Thomas Gibson, Edwin Rodstrom, Richard Mott, and Russell Sandburg, and their families for their cooperation and efforts in helping this proposal become a reality. In return, we must fully assure them that they can continue their ranching operations as they have operated in the past. The monument is a part of their home, and its quality and integrity must be continually protected.

The future of the Black Canyon of the Gunnison National Monument is vitally important and we must not allow this most precious natural resource to be degraded. We must act now to protect the Black Canyon, not only for this

GENERATION BUT ALSO FOR FUTURE GENERATIONS.

AGAIN, MR. CHAIRMAN, I THANK YOU FOR THIS OPPORTUNITY TO TESTIFY BEFORE THE SUBCOMMITTEE, AND ON BEHALF OF THE (10) ORGANIZATIONS THAT I AM REPRESENTING, I RESPECTFULLY URGE YOUR FAVORABLE CONSIDERATION OF H.R. 3825 AND S. 2015. FOR THE RECORD, MR. CHAIRMAN, I WOULD LIKE TO SUBMIT RESOLUTIONS OF SUPPORT FOR THIS LEGISLATION. THESE RESOLUTIONS WERE PASSED ENTHUSIASTICALLY BY THE ENTITIES I AM REPRESENTING TODAY.

THANK YOU.

RESOLUTION FOR CONSIDERATION BY THE
DISTRICT 10 EXECUTIVE COMMITTEE FOR JULY 25, 1983

Resolution 7/83

WHEREAS the District 10 Regional Planning Commission maintains an active interest in public lands issues affecting our member jurisdictions, and

WHEREAS the District 10 Board of Directors Executive Committee is comprised of local elected officials representing the six counties and fifteen member municipalities within the region, and

WHEREAS the Black Canyon of the Gunnison National Monument is both a national treasure and a significant generator of tourism and economic activity which is felt regionwide, and

WHEREAS the potential exists for incompatible land uses within the viewshed of major viewpoints within the Monument which would seriously affect the dramatic appeal and experience which the Monument presently offers, and

WHEREAS extensive negotiations between various federal and local governmental entities and the owners of the lands in question have resulted in consensus as to a proposed solution,

Now therefore, be it RESOLVED that the Executive Committee of the Board of Directors of the District 10 Regional Planning Commission does endorse and support action by the United States Congress to secure easement to lands contiguous to the Black Canyon of the Gunnison National Monument for the purpose of preserving a natural view panorama. This endorsement recognizes that fair compensation will be required for the affected property holders and that historic ranching and grazing activities will be allowed to continue on these lands.

M/S/P Unanimous Executive Committee

CERTIFICATION

I, Mary L. Watt, Clerk of the City of Montrose, Colorado, do hereby certify that the attached is a true and accurate copy of Resolution 1983-19, supporting HR 3825, and adopted by the Montrose City Council on October 11, 1983.

Mary L. Watt
City Clerk

WHEREAS, the Black Canyon of the Gunnison River, with its depth, narrowness and sheerness is one of the world's premier wild canyons, and

WHEREAS, twelve miles of this spectacular canyon were singled out for preservation as the Black Canyon of the Gunnison National Monument by President Herbert Hoover on March 2, 1933, and

WHEREAS, 300,000 visitors have enjoyed the Black Canyon so far in 1983, and

WHEREAS, tourism in Montrose is a vital percentage of our economic base, and

WHEREAS, the current legislation before the Congress of the United States is designed to preserve the aesthetic beauty of the North Rim of the Black Canyon for generations to come, and

WHEREAS, this will discourage unappropriate development on the scenic North Rim of the Black Canyon, and

WHEREAS, the Black Canyon does not have an established boundary and this legislation will establish a boundary to preserve the visual quality of the area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MONTROSE, COLORADO, that the City Council supports HR 3825 and urges its passage in Congress.

PASSED, ADOPTED AND APPROVED on this 11th day of October, 1983.

CITY COUNCIL FOR THE CITY OF MONTROSE, COLORADO

Harold A. Black

Daniel R. Hines

Ted Hermansen

Lee Dineth

APPROVED

MAYOR

ATTEST:

Mary R. Watt

CITY CLERK (SEAL)

Senator WALLOP. I thank you both very much, and I would express my support in concept. My hesitation is once again adding to the list of things that Congress has thought to offer but not properly appropriated for. The backlog grows. If you total up the bills in this committee this afternoon, it would come close to a quarter of a billion dollars. You have two choices with that: to continue to treat the people who have been authorized to have their property purchased under this the same way we do everybody else, or move them to the head of the line and treat those who are at the back of the line the same way. I don't know what the answer to the problem is. I clearly know that the problem exists, and we will do what we can. We have been considering the Park Service's testimony and their desire to protect the viewshed at minimal cost, but our backlog grows.

Depending on whose view you take, we've got anywhere between $2 and $4 billion worth of authorized acquisitions for which Congress refused to put money forward, and it is increasingly difficult to find money to put forward. So you continue to treat unfairly those who you have been, or you add a new class of unfairly treated people while you peel off the bottom ones.

So we will look at it with a sympathetic heart, but with the appropriate amount of skepticism and see if we can't find some logical way to do both.

Mr. SABIN. If I may, Senator, I would like to add something. This afternoon while waiting for this hearing to convene, while walking down the mall I couldn't help but think what it would look like with a couple of trailer homes in the middle of it, a subdivision cropping up in the middle of the whole thing.

Senator WALLOP. You don't have to persuade me, but it is irrelevant to the fact that we have a class of Americans who had their property expropriated and they still have the privilege of paying tax on it, but they can't do anything with it and it is unfair, fundamentally unfair, and I don't wish to add to that class anymore.

I appreciate more than I can tell you the protection that it sought. I asked my father to give a substantial gift of land to the Big Horn Mountains, or easement on land in the Big Horn Mountains, and I like the idea of what we are trying to do, but I like even less the idea of trampling on people's property rights to the extent that we have and adding to that class. I agree with you that it would look bad to have trailer houses down there, but it looks bad to have a class of people, some of whom who really have no property at all. We have a case where there is a man dying of cancer. His only asset is land that has been authorized National Park. He can't sell it because nobody will buy it and the Government hasn't money enough to pay for it, or says it doesn't, and there we lie. I don't like those stories. They are not very American kinds of stories either, so we will do the best we can.

Next is on S. 2082, Robert Mortensen, American Society of Landscape Architects, Falls Church; and Gail Guillet, Chairman, National Association for Olmsted Parks.

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STATEMENT OF GAIL TRAVIS GUILLET, CHAIRMAN, NATIONAL ASSOCIATION FOR OLMSTED PARKS

Ms. GUILLET. I am Gail Travis Guillet and I am the newly elected chairman of the National Association for Olmsted Parks. I come before you to speak for the members of this 4-year-old organization as well as the many other groups and organizations committed to the preservation of our country's parks.

We, of course, urge passage of Senate bill 2082, the Olmsted Historic Landscapes Act, to: identify, commemorate and preserve the legacy of historic landscapes of Frederick Law Olmsted, Sr., his sons, John Charles Olmsted and Frederick Law Olmsted, Jr., his associates, including among others Charles W. Eliot and Warren Manning, and his professional descendants, and in particular because obviously we would like you to understand in view of some of the testimony you have heard that this is in fact a broad-based concern of landscaping in the United States. In doing so, we speak for the millions of Americans, rich and poor, whose lives are enriched by these beautiful green spaces in our Nation's concrete cities.

The National Association for Olmsted Parks is an organization with members in 32 States, Puerto Rico, Mexico, Canada and Great Britain. We're made up of design professionals planners, preservationists, park administrators, scholars, elected officials and business and community leaders. We are committed to the preservation of the Nation's Olmsted legacy. Founded in 1980 as the result of a suggestion made by Senator Daniel Patrick Moynihan during a visit to Buffalo, N.Y., Joan Bozer, an elected official of Erie County legislature and one of our first cochairs, called a number of us together in Buffalo in May of that year to ask the question which we ask of you now. If we, representatives of a network of urban parks designed by Frederick Law Olmsted, may obtain national recognition and Federal funds for the maintenance, preservation and protection of his parks?

This bill that is before you grows out of a public and legislative initiative, the result of a public-private partnership for urban landscape revitalization. MAOP was founded in 1981 as an extension of this linkage to community activists, landscape architects, academic institutions, legislative and municipal officials. They worked to develop a program of inventory and assessment of a number of significant Olmsted landscapes in Massachusetts.

Senator WALLOP. Could I make a suggestion to you? I see you are going down through the testimony on a line-by-line basis. You won't get through it in the 5 minutes. If you could summarize, the whole statement will be part of the record. You can proceed in any way you wish, but I still have the time limit.

Ms. GUILLET. I have given you a copy of the Massachusetts inventory. I would like to commend the National Park Service, which was founded, as a matter of fact, as a result of a suggestion made by Frederick L. Olmsted for the idea that they will pursue a thematic study, but so far we have not seen that any work has been done on this. We feel that the legislation before you would act as a catalyst to ensure that this work begins before Olmsted's legacy has deteriorated further, or has been destroyed by the pressure of development.

We also would like to point out that this legacy list, or this inventory that has been done so far in Massachusetts includes 12 landscapes and took thousands and thousands of volunteer effort and hours. It simply is not an undertaking that we can expect to be done on a national level. We are talking about hundreds and hundreds of parks over 800 around the country. We have already undertaken inventory in Massachusetts and inventory has begun in New York, and inventory work on the Olmsted legacy is being done currently in Washington, DC. We are anxious to work with the other groups that are interested in this such as ASLA who is here with us today, and urge the passage of this bill in the hopes that we will be able to restore Olmsted's legacy to the kind of place it should have in this Nation's history.

[The prepared statement of Ms. Guillet follows:]

STATEMENT OF GAIL TRAVIS GUILLET
CHAIRMAN, NATIONAL ASSOCIATION FOR OLMSTED PARKS,

Good Afternoon. I am Gail Travis Guillet, newly elected Chairman of the National Association for Olmsted Parks. I speak for the members of this four year old organization as well as the many other groups and organizations committed to the preservation of our country's parks.

We urge passage of S. 2082, the "Olmsted Historic Landscapes Act," to: identify, commemorate and preserve the legacy of historic landscapes of Frederick Law Olmsted,Sr., his sons, John Charles Olmsted and Frederick Law Olmsted, Jr., his associates, including among others Charles W. Eliot and Warren Manning, and his professional descendants, and in so doing we speak for the millions of Americans, rich and poor, whose lives are enriched by these beautiful green spaces in our nation's concrete cities.

The National Association for Olmsted Parks (NAOP) is an organization with members in 32 states, Puerto Rico, Mexico, Canada and Great Britain, made up of design professionals, planners, preservationists, park administrators, scholars, elected officials and business and community leaders; an organization committed to the preservation of our nation's Olmsted parks. NAOP was founded in 1980 as the result of a suggestion made by Senator Daniel Patrick Moynihan during a visit to Buffalo, New York. In May of that year, Joan Bozer, an elected official of the Erie County legislature and one of our first Cochairs, invited fifty people from eight states to consider if we, as representatives of a network of urban parks designed by Frederick Law Olmsted, could obtain national recognition and federal funds for the maintenance, preservation and protection of his parks.

The Olmsted Historic Landscapes Act is an outgrowth of public and legislative initiative, the result of a public-private partnership for urban landscape revitalization. With the formation of the Massachusetts Association for Olmsted Parks in 1981, under the leadership of our past National Co-chair Betsy Shure Gross, the linkage was extended. Community activists, landscape architects, academic institutions, legislative and municipal officials joined to develop a program to inventory and assess a number of significant Olmsted parks in the state. The pilot inventory, step one in a National Inventory and Assessment of Olmsted Parks, was funded by

public money and private foundations under the auspices of the Harvard Graduate School of Design, the Radcliffe Seminars Landscape Design Program, the University of Massachusetts and Boston University.The inventory was published to develop public awareness and interest in the Olmsted leagacy in Massachusetts. Legislation was then proposed, resulting in a capital outlay appropriation of $13 million this year to begin restoration of eight municipal Olmsted landscapes of regional significance in Boston, Brookline, Wooster, Springfield, Fall River, New Bedford, Brockton and Lynn.

Massachusetts, the largest beneficiary of Olmsted landscapes, is prepared to assume responsibility for a major component of this nation's cultural heritage, and can provide a national model for the public-private partnership needed to restore the Olmsted legacy to its full significance.

Frederick Law Olmsted is America's premier landscape architect. His impact on the American landscape, through his designs for Central Park in New York, the "Emerald Necklace" in Boston and for countless other major parks in over 175 cities in 36 states across this nation, continues to be felt by millions of people, rich and poor.

Few people, according to Patricia Weslowski, State Historic Preservation Officer for Massachusetts, have contributed to the changing face of our landscape so broadly as to merit individual study, but, in her opinion, Frederick Law Olmsted is such a man. He and his sons were directly involved in the design and construction of hundreds of American parks, parkways, college campuses, cities and planned communities, publicly and privately owned estates, institutions, cemetaries, and recreation facilities, including the 40-Mile Loop in Portland, Oregon; Roger Williams Park in Providence, Rhode Island; the city plan of Santa Fe, New Mexico; Belle Isle Park in Detroit, Michigan; the government reservation at Hot Springs, Arkansas; and the Hawaii National Park.

As early as 1832, the Hot Springs of Arkansas had been set aside as a national reservation. However, Olmsted's report on Yosemite was the first

systematic exposition of the concept of government's responsibility to set aside, "natural scenes of an impressive character" for all its citizens. He articulated the philosophical basis for national and state parks, which, ultimately, was the catalyst for the establishment of the National Park System and the National Park Service.

Frederick Law Olmsted was, with his partner Calvert Vaux, the founder of the profession of landscape architecture. Now he emerges as a major historical figure- a theorist, planner, designer and administrator, whose ideas are as relevant to the needs of the nation today as they were 100 years ago.

He and his associates, moved by humanitarian and sociological ideals, greatly enhanced the face of urban America in the latter part of the 19th century. Their parks, in Buffalo, Chicago, Louisville, Milwaukee, Seattle, Denver, Dayton, Birmingham and St. Louis, are part of our cultural and artistic patrimony.

Designed in the English Romantic style, these parks were meant to serve a very practical purpose. As the Northeast became increasingly industrialized, men of vision saw that, in time, cities like New York would over-run all their open space. Unless space was reserved for parks, millions of people would suffer a "malaise," to use the Victorian term, brought on by the conditions of the urban environment.

Today we tend to look back with nostalgia on those earlier times, but I assure you that New York was a nasty place to live. There were scores of slaughterhouses without proper sanitary facilities; animals were butchered in the street and their carcasses left to decay in the gutter. Sheep and cattle were regularly herded through the streets. People threw slops into the gutter, where they were devoured by pigs which roamed freely. Dogs ran free, and there were regular fight-to-the-death combats with the pigs. There was also the deafening noise of clattering hooves and iron-clad cart wheels on granite paving blocks- along with the organ grinders and hawkers

peddling their wares. It was these conditions that parks were meant to mitigate.

Olmsted believed that green grass, blue sky and sparkling water could soothe and restore. His parks were designed as places to provide feelings of relief and renewal, and a "sense of enlarged freedom which was to all, at all times, the most certain and valuable gratification afforded by a park. The park," he wrote, "will be a valuable substitute for a visit to the country affording the greatest possible healthful change of scene, of air, of irritable associations of city life."

People continue to be served by Olmsted's parks in just this way. Recently, as part of the Central Park Master Plan, a User Survey was conducted. People leaving the park were asked what they had been doing while they were in the park. Over 85% of the respondents said that they had been in the park for a walk, to look at birds, to people watch, to read, to picnic, to fly a kite. One even said that he had been in the park to look at the scenery. They had been in Central Park for precisely the reasons Olmsted had intended. Come to Prospect Park in Brooklyn on a hot summer Sunday. The place is packed with people - families sitting on the grass, cooking supper on their barbecues, kids playing volleyball, grandmothers sitting in the cool shade watching the world go by. They are renewing themselves, just as Olmsted said they would. Our urban parks, blighted though many may be, are used and loved and needed by millions of people who cannot get away from the city any other way.

The cultural, historical and aesthetic arguments for parks have been around for a long time. The economic arguments for urban green space are more recent. They are, however, being rapidly developed and widely articulated. Charles Jordan, Commissioner of Public Affairs in Portland, Oregon and a member of NAOP's Steering Committee, speaking before the Urban Forestry Conference in April of this year, said:

> "Parks and green space are vital to the health of our urban community. They are a major determinant of the quality of our environment. They cleanse the air, moderate the climate, protect the ear, please the eye and renew the spirit. They provide for public expression as they encourage private reflection. Moreover, parks may well be as good for our pocketbooks as they are for our bodies and souls."

Olmsted could not have said it better. Jordan also says that the first neighborhoods in cities to be renovated and reclaimed are usually those with shady tree lined streets and clean safe parks, and that "quality of life" is an increasingly important component in a city's ability to attract new business.

In 1979, the Joint Economic Committee of the U.S. Congress concluded that "the greatest difference between cities perceived to have the most favorable business climate and the least lies in 'quality of life' issues not business-related factors." There is a tendency to see parks as a luxury, as isolated from the economy of the city; but this underestimates the significance of parks to the overall plan for an economic development strategy.

As John Rouse, developer of Harborport in Baltimore and the South Street Seaport in New York, puts it, "The amenities are the economics of the city." Parks are an important amenity - they give texture to our cities, they give relief, just as Olmsted said, "to the confining and restraining conditions of the town." Parks go beyond recreation to issues of environmental quality, economics and community development, culture, the arts and education.

I am not testifying today only on behalf of the National Association for Olmsted Parks. We gratefully acknowledge the efforts of all the other organizations working alongside us to increase awareness of the Olmsted

legacy, who serve as models to the preservation community, and who we know will write to you supporting this legislation. These include, among many, the National Trust, the State Historic Preservation Officers Association, the National Park Service, the American Society of Landscape Architects, the National Association of State Archaeologists, the National Park and Recreation Association, the National Park and Conservation Association, and Preservation Action. We are also particularly grateful to those government officials with practical expertise in environmental and economic issues who have been our mentors - New York's Senator Moynihan, Evelyn Murphy, Secretary of Economic Affairs in the Commonwealth of Massachusetts, and Joan Bozer, whom I mentioned earlier in this testimony.

Together, all of us, and millions of other like-minded citizens urge passage of this important bill, and pledge continuing vigilance and wide-ranging support of plans to enhance and preserve our nation's green spaces for all citizens- for all time.

Thank you.

Senator WALLOP. Thank you very much. I appreciate your testimony.

Mr. Mortensen.

STATEMENT OF ROBERT MORTENSEN, PRESIDENT-ELECT, AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS

Mr. MORTENSEN. Mr. Chairman, I am Robert Mortensen, president-elect of the American Society of Landscape Architects.

The ASLA represents over 7,000 landscape architects in public, private and academic practice. Our members play a major role in the design, planning and management of the land, and share a commitment to achieving a balance between preservation, use and management of our Nation's resources.

Mr. Chairman, I will be brief in my remarks, however, we will be submitting a full statement for the record. It is a pleasure to be here today to speak in support of Senate bill 2082, which would identify, commemorate and preserve the legacy of historic landscapes of Frederick Law Olmsted. Since Frederick Law Olmsted, Sr., is considered the father of landscape architecture in this country, this legislation is of special significance to our membership.

S. 2082 directs the National Park Service to prepare an inventory of Olmsted historic landscapes and requires the Secretary of the Interior to establish general standards for preservation of all historic landscapes. It also calls for a commemoration of the Olmsted accomplishments.

While this act focuses on the legacy of Olmsted, Sr., it is broadly defined to include the public and private landscape architectural works of Federick Law Olmsted, Sr., his sons, and their professional associates. This act would include more than 2,000 Olmsted-de-

signed and Olmsted-influenced landscapes in at least 37 States and the District of Columbia. This legislation also recognizes the importance of identifying landscapes, other than Olmsted historic landscapes, which would qualify as national historic landmarks.

Furthermore, passage of this act would mark the first official recognition of the value and national significance of designed historic landscapes. Since Olmsted was the originator of the designed landscape, it is only fitting that a bill commemorating his great achievements would also be the catalyst for initiating a coordinated program designed to protect and preserve those landscapes which he and his followers created.

Many of the Olmsted properties are today threatened by overuse, inadequate maintenance and inappropriate development plans. Many have simply suffered from the ravages of time.

There is a great need for an effective, coordinated program aimed at restoring and protecting these sites. Without a program in place to safeguard the Olmsted landscapes and preserve their historic integrity, many of these sites will be further damaged or destroyed.

Although private and other efforts are underway to identify and preserve the Olmsted legacy, such as a historic landscapes survey just initiated by ASLA's Committee on Historic Preservation, the enormity of the job to be done requires the leadership and support of the Federal Government.

S. 2082 would build upon present private efforts and those of State and local jurisdictions by providing the resources and expertise of the Federal Government. We believe the Federal Government's involvement is critical to establishing a successful inventory program, and to developing effective general standards for historic landscape preservation.

This bill would not require the creation of a new program but would better coordinate and more effectively utilize existing Federal programs for the purpose of preserving the Olmsted legacy for the enjoyment and use of our children and our children's children.

ASLA believes that without the enactment of this legislation, a national historic landscapes survey will not receive the Federal Government priority it deserves or, in turn, the funding necessary to carry it out.

We urge speedy approval of Senate bill 2082. Thank you, Mr. Chairman.

[The prepared statement of Mr. Mortensen follows:]

American Society of Landscape Architects

STATEMENT OF ROBERT MORTENSEN, FASLA
PRESIDENT-ELECT
AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
AT HEARINGS ON S. 2082
"OLMSTED HISTORIC LANDSCAPES ACT"
May 22, 1984

Mr. Chairman, members of the committee, I am Robert Mortensen, president-elect of the American Society of Landscape Architects.

ASLA represents over 7,000 landscape architects in public, private and academic practice. Our members play a major role in the design, planning and management of the land, and share a commitment to achieving a balance between preservation, use and management of our nation's resources.

Senate bill 2082, the "Olmsted Historic Landscapes Act," would identify, commemorate and preserve the legacy of historic landscapes of Frederick Law Olmsted, Sr., his sons, associates and professional descendants. Since Frederick Law Olmsted, Sr. is considered the father of landscape

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architecture in this country, this legislation is of special importance to our profession, and we strongly support it.

Passage of this act would mark the first official recognition of the value and national significance of designed historic landscapes. Since Olmsted was the originator of the designed landscape in this nation, it is only fitting that a bill commemorating his great achievements would also be the catalyst for initiating a coordinated program intended to protect and preserve the landscapes he and his followers created.

BACKGROUND

Since the founding of the profession of landscape architecture in the 1860s by Calvert Vaux and Frederick Law Olmsted, their landscape designs and those of their associates and professional descendants have made significant contributions to the American way of life. Great public parks, parkways, rural reservations, college campuses, institutional grounds, botanical gardens, cemeteries, estates and residences as well as plans for cities, towns and suburbs were created by these early landscape professionals. The Olmsted firm records list more than 8,000 public and private commissions. Although a percentage of these works have been lost, those still in existence -- combined with the remaining works of Calvert Vaux, Warren Manning, Jacob Weidemann,

H.W.S. Cleveland, other associates and professional descendants -- are located in over 37 states and the District of Columbia, representing a vast legacy to the nation.

The work of the Olmsted firm spanned nearly a century, from 1858 to 1949. Frederick Law Olmsted, Sr. is perhaps best remembered for his great urban parks, parkways and park systems, and for his role in preserving Yosemite Valley as the first state park; and John Charles Olmsted is remembered for his early playgrounds, small urban parks and metropolitan reservations. Frederick Law Olmsted, Jr. is renowned for his city and town planning, and for his role as a founder of the city planning profession and as a member of the McMillan Commission on the redesign of the nation's capital.

Landscape architecture arose in response to societal change in the second half of the nineteenth century. America was rapidly shifting from an agrarian to an industrial society. Immigration swelled our urban populace. As cities grew, the open countryside became more distant from city residents. The first landscape architectural works were public parks. This reinstatement of nature in American cities served several purposes: counteracting the confined, unhealthy conditions of urban living; affording ready access to passive and active recreation; providing a setting where all classes of people could mingle in a democratic way; and effecting a calming, civilizing influence on those exposed to the

pastoral scenery. Both public and private landscape architectural works improved the quality of life in America's cities, towns and suburbs. The remaining elements of this legacy still form a substantial percent of urban and suburban open space, serving today's populace as yesterday's. The preservation of this landscape legacy, as initiated by the passage of S. 2082, would allow these significant resources to serve generations yet to come.

PROVISIONS OF THE OLMSTED HISTORIC LANDSCAPES ACT

S. 2082 has several important provisions that are not included in existing legislation. Sec. 4 calls for a comprehensive inventory of Olmsted legacy landscapes, with all inventoried properties to become part of an Olmsted historic landscapes system. Identification of extant landscapes covered under this act is the first step towards recognition of their value and effective preservation action. Any property in the inventory would be eligible for the National Register of Historic Places while nationally significant properties may be awarded national landmark status, and internationally significant ones potentially included in the World Heritage List.

Private and public sector efforts have begun the massive inventory required to identify the landscape legacy covered by this act. In 1982, the National Association for Olmsted

Parks (NAOP) announced an organizational goal to survey Olmsted's public parks. To meet part of that goal, the Massachusetts Association for Olmsted Parks (MAOP) lead a volunteer effort that created an inventory format and performed a comprehensive inventory of 10 Olmsted parks. The resulting published report serves as a model for future efforts.

In 1981, the Planning Department of the City of Chicago undertook the Historic Park Features Study of landscape, art and architecture in 65 city parks. Some of them were Olmsted historic landscapes and others were designed by such notable figures as Daniel Hudson Burnham, William Le Baron Jenney and Jens Jensen. The summary report of this study is nearing publication. As part of restoration planning, comprehensive inventory work is currently being performed on Central Park and Prospect Park, funded by New York City's Department of Parks and Recreation as well as private donors.

As part of the ASLA National Survey of Historic Landscapes, several ASLA chapters are progressing with identification and research efforts while others are initiating inventory work. This survey is a long-range effort to identify cultural and designed historic landscapes as the initial step in landscape preservation. Collaboration with interested groups and individuals is being sought in the ASLA survey effort.

At present, only about 30 Olmsted landscapes are protected through National Register listing. To date, public and private sector inventory attempts have addressed less than five percent of the total Olmsted landscape legacy.

The enormity of the job to be done requires the leadership, guidance and support of the federal government. S. 2082 would build upon present private efforts and those of state and municipal governments by providing the resources and expertise of the federal government. We believe the federal government's involvement is critical to establishing a successful inventory program nationwide. In the past, historic resources have often been inventoried through a public/private partnership, relying on the collaboration of public officials, interested groups and individuals. The inventory of Olmsted landscapes, mandated by this act, should be conducted in this collaborative spirit. ASLA is willing to aid in the effort.

Sec. 5.(a)(1) provides for the Secretary of the Interior to promulgate general standards for the preservation of all historic landscapes. Since the lack of such national standards has hindered progress in landscape preservation, their development would improve communication and collaboration in all regions of the country. Sec. 5.(a)(3) calls for a thematic study of non-Olmsted historic landscapes which would address their status and recommend appropriate

action. Many designed and cultural landscapes in public and private ownership could be studied under this provision. Both of these provisions enlarge the scope of S. 2082, allowing for this nation's vast landscape heritage to receive needed attention.

Sec. 5.(a)(4) calls for a compatible program to be established at the Frederick Law Olmsted National Historic Site (FLONHS), the home and offices of the Olmsteds. FLONHS has been serving an important research and interpretive role with limited resources, which would be augmented by passage of the bill.

Sec 5.(b) and (c) direct the Secretary of the Interior to encourage the coordination of applications to existing federal funding programs for preservation of Olmsted historic landscapes. While these programs are currently limited by budgetary constraints, historic landscapes are valuable resources that should share in existing preservation, open space and recreation programs.

Sec. 6 encourages public and private cooperation in carrying out the aspects of the bill which will aid in compliance. Historically, preservation activity has benefited from such collaboration. Sec. 7 addresses the commemoration of Olmsted's philosophy and contributions to American life. This commemoration will further the preservation effort by

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raising public awareness of the design intent and value of remaining Olmsted legacy landscapes.

Sec. 8 establishes the Advisory Committee on Olmsted Historic Landscapes to assist the Advisory Council on Historic Preservation in compliance aspects of the bill. This committee would serve important review, assistance and evaluation functions in carrying out the inventory, thematic study, public participation and commemorative provisions of the bill.

STATUS OF THE OLMSTED LEGACY TODAY

The integrity of many Olmsted legacy landscapes is threatened by deferred capital improvements, inadequate maintenance, and inappropriate alterations. The decades of use and abuse have also taken a toll. A comprehensive study of urban recreation, published in 1980 by the Department of the Interior, showed that while urban residents set a high priority on nearby recreational facilities, neighborhood parks were often deteriorated. Historic parks, developed when large land tracts were still available near urban cores, form a substantial percent of the close-to-home recreation opportunities available to urban residents today.

Over the decades, Olmsted legacy landscapes have been altered in a number of ways. In some cases, entire landscapes have

been lost. In others, original design concepts have been compromised through change. The conscious, comprehensive approach to design and planning carried out in the initial development process has rarely been followed. Motives behind the alterations have included humanitarian, political, maintenance reduction, real estate development, and changing recreation preference. Changes have occurred in Olmsted historic landscapes in four basic ways: the addition of elements, the alteration of original features, the natural deterioration of components, and the removal of elements or property.

Today, several Olmsted legacy landscapes are especially threatened. The Cornell Medical Center Westchester Division, formerly the Bloomingdale Asylum designed from 1892-94 by the Olmsted firm, is a 228-acre site of hilly, White Plains countryside. The historically significant asylum buildings are surrounded by a naturalistic Olmsted landscape. Earlier encroachment by a large parking lot and department store is to be further developed into a multiple-use commercial and residential complex, destroying the Olmsted landscape. The property is privately owned and will be developed with private funds. It is not protected by National Register status or local preservation designation.

The former New York State epileptic colony and Shaker settlement in Sonyea, Livingston County, developed according

to a master plan by the Olmsted brothers in 1899, is being converted to a medium security prison by the New York State Department of Corrections. Damaging alteration to the landscape is proposed. The Department of Corrections is operating under an emergency declaration which seeks to exclude proposed alterations from state preservation laws.

The Atlanta suburb of Druid Hills was designed in the 1890s by the Olmsted firm. To serve the proposed Carter Presidential Library, the Georgia Department of Transportation has developed a plan to obliterate much of the Olmsted landscape by constructing a new highway along the Ponce de Leon Parkway and a string of small parks. A fierce battle between the forces for and opposed to development is currently raging.

And in Dayton, Ohio, the Veterans Administration Center grounds, designed by the Olmsted firm, are threatened with encroachment from the proposed rerouting of U.S. Route 35.

Other examples of threatened Olmsted landscapes are all too evident upon inspection. Jackson Park in Chicago was first designed by Olmsted and Vaux in 1870. It was constructed, under a modified plan, as the setting for the 1893 World's Columbian Exposition. The construction of a golf driving range, surrounded by a 12-foot chain-link fence, has

significantly altered the expansive open lawn, a key feature of the original design.

Belle Isle Park in Detroit, designed by the Olmsted firm in 1884, was an engineering as well as a landscape architectural feat. The marshy island became a sinuously edged water park. In attempting to accommodate all types of recreation within this single park, the original picturesque park has become a heavily paved, straight-edged landscape, bearing little resemblance to its Olmstedian form. In Buffalo, Humboldt Parkway was designed by Olmsted and Vaux to link Delaware Park and Humboldt Park (now Martin Luther King Park) with a broad central drive, two smaller carriage roads and six rows of maple trees. In the late 1950s and early 60s, the parkway was replaced by a six-lane depressed expressway, effectively severing a neighborhood and totally destroying the parkway.

Although other Olmsted legacy landscapes have escaped destruction or extensive encroachment, such deteriorating factors as deferred maintenance, lack of continuous reforestation, and failure of drainage and water supply systems have taken a toll. Current conditions are generally far from optimal.

In reviewing the deteriorated condition of known Olmsted historic landscapes, the need for an effective, coordinated program to identify and preserve these sites becomes all too

apparent. Without a program in place to safeguard Olmsted landscapes and preserve their historic integrity many of these sites will be further damaged or destroyed.

Landscape architects still look to the works of Frederick Law Olmsted Sr., his sons, associates and professional descendants for inspiration in their quest to create ecologically sound, inviting landscapes. Our country's remaining Olmsted legacy landscapes deserve the recognition that the passage of the Olmsted Historic Landscapes Act would provide. Moreover, ASLA believes that without the enactment of this legislation, historic landscape preservation will not receive the federal government priority it deserves, or, in turn, the necessary funding, coordination or leadership.

We urge speedy approval of Senate bill 2082.

Thank you, Mr. Chairman.

Senator WALLOP. Thank you, Mr. Mortensen. We appreciate your testimony. It is a very interesting brochure you brought on Massachusetts. Tony just informs me that we acquired an Olmsted for about $1 million. I wish we could get a few more deals like that. I appreciate your interest in it, and clearly it does have historic value to the country. We will see what we can do. Thank you both. The next witness is Mr. Walter Hoye on S. 2136. Mr. Hoye is the division engineer of water design, department of water and power for the city of Los Angeles.

STATEMENT OF WALTER W. HOYE, ENGINEER OF DESIGN, DEPARTMENT OF WATER AND POWER, CITY OF LOS ANGELES

Mr. HOYE. Thank you, Senator Wallop. It is my pleasure to appear before you today in support of S. 2136. The bill amends the National Parks and Recreation Act of 1978 to allow exchange of Federal lands. It would authorize the Secretary of the Interior to do so. There are two lands involved. One is around the department of water and power's Haiwee Reservoir in Inyo, CA; and one is around Franklin Reservoir in the city of Los Angeles. I might direct your attention to a couple of photographs that are in a brochure we handed out. They show the Franklin Reservoir which is right in the middle of the city of Los Angeles, just a little bit north

next to the city of Beverly Hills, a very beautiful and scenic wooded area in the Santa Monica Mountains.

The Haiwee Reservoir property that Los Angeles proposes to obtain by exchange conversely is in the very sparsely vegetated desert lands 180 miles north of Los Angeles.

The National Parks and Recreation Act which established the Santa Monica Mountain Recreation Area, which is proposed to receive the Franklin land by exchange, requires it by recommendation. The purpose of S. 2136 is to permit it to be obtained by exchange.

As you are aware, the Federal Land Policy and Management Act of 1978 requires that exchanges be roughly equal. The values can be apart no more than 25 percent, and I can assure you the appraisals that are obtained through this effort will meet that requirement of the Federal act.

We have been working closely with the local district office of the National Park Service, and that office will be very cooperative and very interested in receiving this 30 acres of very highly valued property.

The Upper Franklin area, looking at the photographs there, it's right in the middle of the very scenic wooded area. The lake you see is a 6-acre lake. It is in a very narrow canyon. That reservoir was built behind the dam constructed in 1915, and we have used it since that time for water storage. However, we took it out of service in 1983 because we found after building the bypass pipeline we wouldn't continue to need the reservoir. The water operations needed some change, so we are able to live without that reservoir, so we no longer need it in our water supply system. However, the earth-filled dam that was built in 1915 is in good shape. The State department of water resources, division of safety of dams, has recently issued a certificate of approval. They do this on a periodic basis, and the most recent certificate was given to the department in August 1983, and that gives us the full operational capability for that reservoir. We can operate it on a permanent basis up to a level of 842 feet, and we can operate it intermittently up to the high water, which is the highest ever, which is 855 feet. So the State certificate approves full operation for flooding periods and full operation also as far as an ecology pond at the limit water surface elevation.

Another point I might make as far as that dam, instead of impounding 25 feet of water, it is simply going to be impounding a depth of 12 feet to the outlet. Instead of a volume of 120 acre feet, it is a volume of less than 40 acre-feet.

I might respond to the questions later as far as the safety of the dam. Another point to be made as far as operation and maintenance cost of the facility, the department of water and power would provide water for the reservoir to maintain its current level free of charge, and we normally try to stay clear of that, but we are pleased to do it in this instance.

Senator WALLOP. To that level? To the level that was 830 feet?

Mr. HOYE. 842 feet. It would be the level of the ecology pond, the level which the interested parties are interested in maintaining. So we would provide water free of charge for that purpose.

Senator WALLOP. In the picture that you have, what is the level of the lake, approximately?

Mr. HOYE. That picture reflects the reservoir. That would be at a higher level, probably about 850 feet, perhaps about 8 feet higher than it is permanently operating at its current operating level at this time.

Senator WALLOP. What is the water in the North and South Haiwee Reservoir? Is that Los Angeles water?

Mr. HOYE. Yes; it is. I might point out that is Los Angeles water. We built the Los Angeles aqueduct in 1913. Eighty percent of the water for the entire city of Los Angeles comes through that reservoir, so that is water for 2.4 million people, but water comes from the High Sierras. The reservoirs you are seeing are both the North Haiwee Reservoir and the South Haiwee Reservoir. The dividing line is the narrow stretch in the middle. That was known as the great purifier historically because by natural means the water was purified as it went through the reservoir.

Senator WALLOP. Other than the obvious factor that you don't need the Upper Franklin Reservoir for your water system now and that it is an attractive spot, what is the advantage to the city of Los Angeles to own that property of the Haiwee?

Mr. HOYE. In the Haiwee area we have a reservoir that we have operated for some 70 years. We will continue to bring 80 percent of the city's water supply to that area. About half the land is owned by the city at this time and half is owned by the Federal Government. It would be much better to put all the ownership under one agency, under the department of water and power so that we could maintain water quality and so we could provide for future reconstruction as necessary. It is much easier to deal with land under your own control.

Senator WALLOP. That is true.

Mr. HOYE. And that is exactly why we hope to obtain it. On the other hand, we see an exchange proposal a very valuable asset for the Department of Interior in the Upper Franklin Reservoir.

Senator WALLOP. And you would provide to the committee the operating costs of the reservoir?

Mr. HOYE. We would provide the water.

Senator WALLOP. No; I'm not talking about providing the payment of the cost. Just a record of what it has cost.

Mr. HOYE. Yes. Someone from the local district office of the Park Service asked for those costs. We are not sure what they would do when they are operating, so we couldn't really estimate the cost. The Park Service and the local office has come up with some costs for operating that facility. When you use it for a water supply reservoir, you operate it differently than for an ecology plant. So the cost is a little different, but they are minimal. I can say that our cost for maintaining the reservoir are minimal.

One problem we run into with a small body of water like that is maintaining water quality, but to do that it really isn't very expensive. You need to treat the reservoir once a year, that sort of thing.

Senator WALLOP. I thank you very much.

[The prepared statement of Mr. Hoye follows:]

STATEMENT OF
WALTER W. HOYE, ENGINEER OF DESIGN
DEPARTMENT OF WATER AND POWER OF THE
CITY OF LOS ANGELES
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
REGARDING S. 2136

MAY 22, 1984

Mr. Chairman, members of the Subcommittee, I am pleased to appear here today to comment in support of S. 2136, introduced by Senator Pete Wilson and co-sponsored by Senator Alan Cranston. My name is Walter Hoye and I am the head of the Water Engineering Design Division of the Department of Water and Power of the City of Los Angeles (LADWP).

The proposed legislation that you are considering today would amend Section 507(c)(2) of the National Parks and Recreation Act of 1978 (Public Law 95-625, November 10, 1978) to authorize the Secretary of the Interior to exchange Federal lands, currently managed by the Bureau of Land Management, in the vicinity of the City of Los Angeles' Haiwee Reservoir in Inyo County, California, for a portion of the City's Upper Franklin Reservoir property located within the boundaries of the Santa Monica Mountains National Recreation Area (SMMNRA) in Los Angeles County. Under the National Parks and Recreation Act, which established the Recreation Area, lands owned by political subdivisions of the State of California may be acquired for the Recreation Area only through direct donation.

S. 2136 would provide specific approval for acquisition of these lands for the Recreation Area by exchange instead of by donation between the subject public agencies. An exchange agreement would be developed in accordance with Federal land approval requirements such as land surveys, mining reports, land value appraisals, legal descriptions and preparation of maps and environmental assessments. Most importantly, the agreement must meet the requirement of Section 206 of the Federal Land Policy and Management Act of 1976 which requires that the value of the lands exchanged must be equal, or equalized, with a cash payment not to exceed 25% of the land value.

Within this framework, and subject to adjustment and revision as a result of the Federal review and approval process, the City proposes that the Department of the Interior would acquire approximately 30 acres of highly valued property, including Upper Franklin Reservoir. Over the last year, we have been working with the local district office of the National Park Service in developing a proposed configuration of these lands which would be of most benefit to the National Park Service since they manage the Recreation Area. In exchange for these lands, the City would acquire approximately 3,000 acres of Federal desert lands surrounding Ha'wee Reservoir. Mr. Chairman, I would like to take a few moments to provide the Subcommittee with a brief background and description of the two land areas.

Upper Franklin Reservoir Area

The Upper Franklin Reservoir area is a scenic wooded area, including a six-acre lake nestled in a narrow canyon of the Santa Monica Mountains (see attached maps and photograph). Upper Franklin Reservoir was built by the City in 1915 and was used continuously as a water storage reservoir. In 1983, it was taken out of service because the water storage at this location was no longer needed for municipal water operations. The water that previously flowed through this reservoir is now diverted into a buried bypass pipeline. The existing earthfill dam is operated under a certificate of approval issued in August of 1983 by the California Department of Water Resources. This approval permits full operation of the reservoir as an ecology pond and intermittent use for flood control purposes. Facilities have recently been constructed which maintain a normal water level in the ecology pond approximately 13 feet below the high water level approved for flood control purposes.

The reservoir receives water from several sources: (1) local runoff and groundwater seepage, (2) overflow from the Department's surge facility, and (3) water from an existing service line on the property. Water will be supplied by LADWP free-of-charge to the National Park Service to maintain the reservoir at its current level. Some regular maintenance will probably be required to maintain the water quality in the reservoir; however, it would be minimal.

The area surrounding the reservoir has been used frequently as background for movies and television shows. The wooded reservoir area provides a diverse ecosystem where more than 100 species of plants and more than 60 species of birds have been found. In recent years, the City has opened up the property for an active nature study program conducted by the William O. Douglas Outdoor Classroom. This organization brings hundreds of Los Angeles school children to Upper Franklin Canyon so that they might be given a chance to experience the beauty of a natural setting without traveling too far from their homes.

The Santa Monica Mountains National Recreation Area is a 150,000-acre unit of the National Park System located in Ventura and Los Angeles Counties which was established by the Congress in 1978 with one of the goals being to preserve the ecological resources while providing for the educational and recreational needs of the visiting public. An important part of the National Recreation Area is the Cross Mountain Park. This part stretches from the Los Angeles Basin in the south to the San Fernando Valley on the north. The 30 scenic acres of upper Franklin are considered an important link in the development of this park.

Haiwee Reservoir Area

The Haiwee Reservoir System, built by the City 70 years ago, is an important component of the Los Angeles Aqueduct System which provides 80% of the City's water supply. The City's North and South Haiwee Reservoirs are located about

200 miles north of Los Angeles in a sparsely inhabited desert area in Southern Inyo County. The ownership of properties surrounding the reservoirs are intermixed between the City and the Federal government, and part of the reservoir is on Federal land (see attached map and photograph). The Federal lands proposed to be exchanged have been withdrawn from entry or settlement for the benefit and protection of the water shed and water supply of the City of Los Angeles under Executive Order No. 6206 issued July 16, 1933.

In addition to the two reservoirs, the City operates and maintains its Haiwee hydroelectric power plant and both the First and Second Los Angeles Aqueducts, all located on those Federal lands. As shown in the attached map titled "Haiwee Reservoir Property," the City desires to consolidate its land ownership in the Haiwee area in order to facilitate the protection and management of its water and power facilities. It is essential that the City have direct land ownership so as to continue its current management of the reservoir and watershed indefinitely; to ensure that its facilities can be properly maintain and operated to regulate the quality of water flowing to Los Angeles; and to facilitate the eventual reconstruction or rehabilitation of the South Haiwee Dam. Under City ownership, land usage and management at Haiwee Reservoir would be fully compatible with the concepts and goals of the Bureau of Land Management's California Desert Plan.

LADWP has been monitoring bald eagles in the Haiwee area for the past three years. Our observations indicate that the

bald eagles use primarily north Haiwee Reservoir during January and February and maybe in early March. They do not nest there, but rather perch in trees or on cliffs while they feed. They will feed on north Haiwee Reservoir if it is not frozen over or too icy. Otherwise, they will feed in the foothills for rodents. The nearest nesting area for the bald eagle is at Bridgeport Reservoir, about 180 miles north of Haiwee Reservoir. Let me assure you that the LADWP will make a full evaluation of the Bald Eagle's use of the Haiwee area before any signficant construction or changes in land use are permitted.

The House Interior Subcommittee on Public Lands and National Parks held a hearing on H.R. 3331, identical to S. 2136, on September 20, 1983. On May 17, 1984, the House Subcommittee approved and reported out H.R. 3331 with several minor amendments. H.R. 3331, as amended, is attached to my statement for your convenience. We support this perfected version of H.R. 3331 and I urge inclusion of the same amendments in S. 2136.

In summary, the City believes the proposed land exchange would be beneficial to all concerned parties. Additional information is included in the attached document titled "S. 2136/H.R. 3331, Land Exchange Between the Department of Interior and City of Los Angeles, Briefing Document, May 1984." We are confident that the land exchange can be consummated in the customary manner under FLPMA. We anticipate no difficulties in determining acreage quantities which will be of equal value. In pursuing this exchange, the City and the Federal government would be acquiring lands essential to the goals and responsibilities of their respective agencies, in return for lands of minimal use to them. This concludes my statement, Mr. Chairman. I would be pleased to answer any questions.

May 17, 1984

Draft

Subcommittee Amendment in the Nature of a Substitute
to H.R. 3331

Strike all after the enacting clause and insert the following:

"That section 507(c)(2) of the National Parks and Recreation Act of 1978 (92 Stat. 3501) is amended by --

(1) inserting "(A)" after "(2)";

(2) striking out "Any" in the third sentence thereof and substituting "Except as provided in subparagraph (B), any"; and

(3) adding the following new subparagraph at the end thereof:

"(B) The Secretary (acting through the Bureau of Land Management) shall negotiate, and carry out, an exchange with the city of Los Angeles (acting through its department of water and power) of certain federally owned lands managed by the Bureau of Land Management in the vicinity of the Haiwee Reservoir in Inyo County for certain lands owned by the city of Los Angeles which are associated with the Upper Franklin Reservoir in the city of Los Angeles. Lands acquired by the Secretary pursuant to such exchange shall be transferred without cost to the administrative jurisdiction of the National Park Service for inclusion within the recreation area. The Secretary shall include in such exchange a provision for an easement to be granted to the city of Los Angeles for the existing water pipeline associated with the Upper Franklin Reservoir and for the city of Los Angeles to provide for replacement water to maintain the water elevations of the Franklin Reservoir to the current levels. The values of lands exchanged under this provision shall be equal, or shall be equalized, in the same manner as provided in section 206 of the Federal Land Policy and Management Act of 1976.".

S 2136
HR 3331

LAND EXCHANGE BETWEEN
DEPARTMENT OF INTERIOR AND CITY OF LOS ANGELES

BRIEFING DOCUMENT
MAY, 1984

LOS ANGELES DWP DEPARTMENT OF WATER AND POWER

S 2136 and HR 3331

SUMMARY

S 2136 and HR 3331 would authorize the Secretary of the Interior to exchange Federal lands adjacent to the City's Haiwee Reservoir in Inyo County, California, for a portion of the City's Upper Franklin Reservoir property in the Santa Monica Mountains of Los Angeles.

This land exchange would further the purposes of the Santa Monica Mountains National Recreation Area while allowing the City to consolidate its land ownership necessary for the protection and management of water and power facilities at Haiwee Reservoir.

CONTENTS

o Fact Sheet
o Map - Haiwee Reservoir
o Map - Upper Franklin Canyon Reservoir
o Map - Santa Monica Mountains National Recreation Area
o HR 3331
o S 2136
o Section 507 of the National Parks and Recreation Act of 1978
o Los Angeles City Council Resolution in support of the proposed land exchange
o Inyo County Board of Supervisors Board Order in support of the proposed land exchange

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S 2136 AND HR 3331

AUTHORIZATION OF LAND EXCHANGE BETWEEN U.S. DEPARTMENT OF INTERIOR AND THE CITY OF LOS ANGELES

S 2136 and HR 3331

- The proposed legislation, S 2136, introduced by Senator Pete Wilson, and HR 3331, introduced by Congressman Howard Berman, would amend the National Parks and Recreation Act of 1978 to authorize the Secretary of the Interior to exchange Federal lands adjacent to the City's Haiwee Reservoir in Inyo County, California, for a portion of the City's Upper Franklin Reservoir property located in the Santa Monica Mountains of Los Angeles (see maps).
- These bills require that the value of the lands exchanged must be equal, or equalized with a cash payment not to exceed 25% of the land value.
- These bills would further the purposes of the Santa Monica Mountains National Recreation Area (SMMNRA).

Proposed Land Exchange

- Under the proposed exchange, the Department of the Interior would acquire approximately 30 acres of highly valued property owned by Los Angeles (including Upper Franklin Reservoir) and the City would acquire approximately 3000 acres of Federal desert lands at Haiwee Reservoir.
- The market value for each property, as determined by an independent real estate appraiser, will be within 25% of each other.
- The exchange will allow the City to consolidate its land ownership in the Haiwee area necessary for the protection and management of water and power facilities at Haiwee Reservoir.

- The 30 scenic acres at Upper Franklin are considered an important link in the development of the Cross Mountain Park of the SMMNRA. As part of the Recreation Act, this property will help provide additional recreation and educational opporunities for the public.

Upper Franklin Reservoir

- Upper Franklin Reservoir was taken out of service in early 1983. The water normally flowing into the reservoir is now diverted into a buried bypass line for water quality purposes.
- The reservoir has been partially refilled with nonpotable water for environmental enhancement of the area.
- The wooded reservoir area provides a diverse ecosystem where more than 100 species of plants and more than 60 species of birds have been found.
- The reservoir is a popular site for movie productions. It is also the central point of an active nature study program conducted by the William O. Douglas Outdoor Classroom for thousands of Los Angeles area school children.
- The portion of the reservoir property being considered for exchange is currently being appraised for market value.

Haiwee Reservoir

- Haiwee Reservoir, built by the City 70 years ago, is an important part of the Los Angeles Aqueduct System.
- The reservoir is located about 200 miles north of Los Angeles in southern Inyo County.
- A portion of the reservoir property is owned by the City and part of the reservoir is on Federal land, managed by the Bureau of Land Management (BLM). The BLM property in the vicinity of Haiwee has been withdrawn from entry by Executive Order No. 6206 on July 16, 1933 in order to protect the City's water supply.
- The reservoir property owned by BLM consists of 3119 acres, which has been determined to have a market value of $361,300 by an independent appraiser as of August 20, 1983.

Santa Monica Mountains National Recreational Area

- SMMNRA is a 150,000-acre unit of the National Park System located in Los Angeles and Ventura Counties.
- The Recreation Area was established by Congress in 1978 with one of the goals being to preserve the ecological resources while providing for the educational and recreational needs of the visiting public.
- The Cross Mountain Park is an important part of the Recreation Area which will provide visitors and residents with the opportunity to enjoy an isolated park setting in the midst of a metropolitan area. The Park stretches from the Los Angeles Basin in the south to the highly developed San Fernando Valley on the north.

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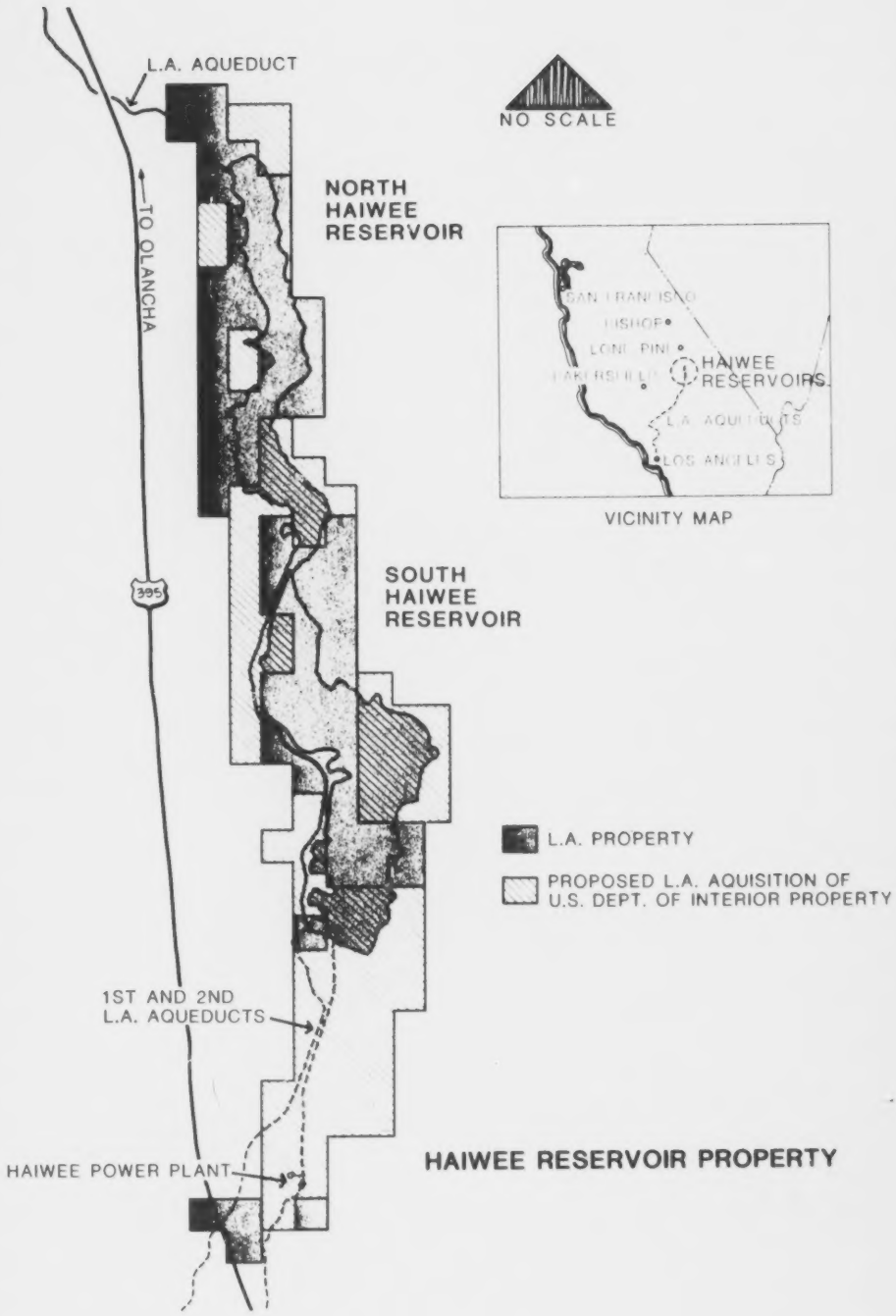
L.A. AQUEDUCT
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HAIWEE
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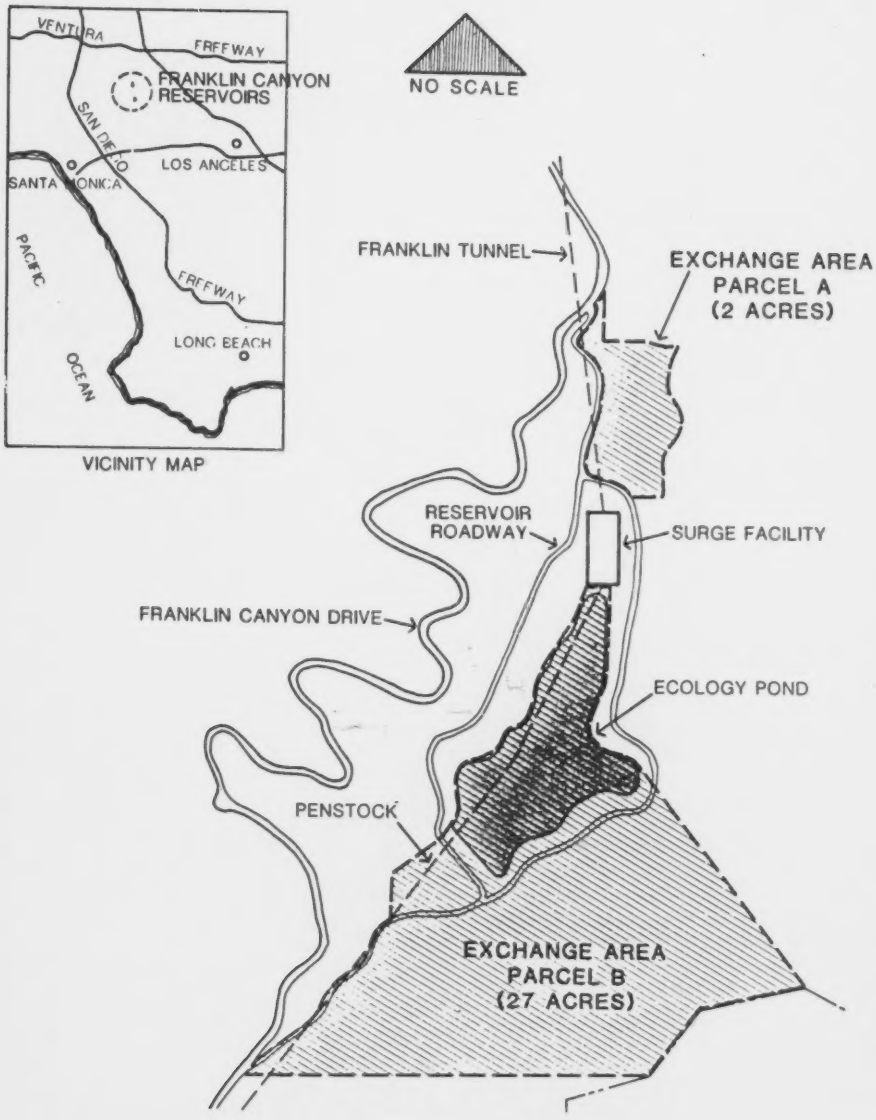
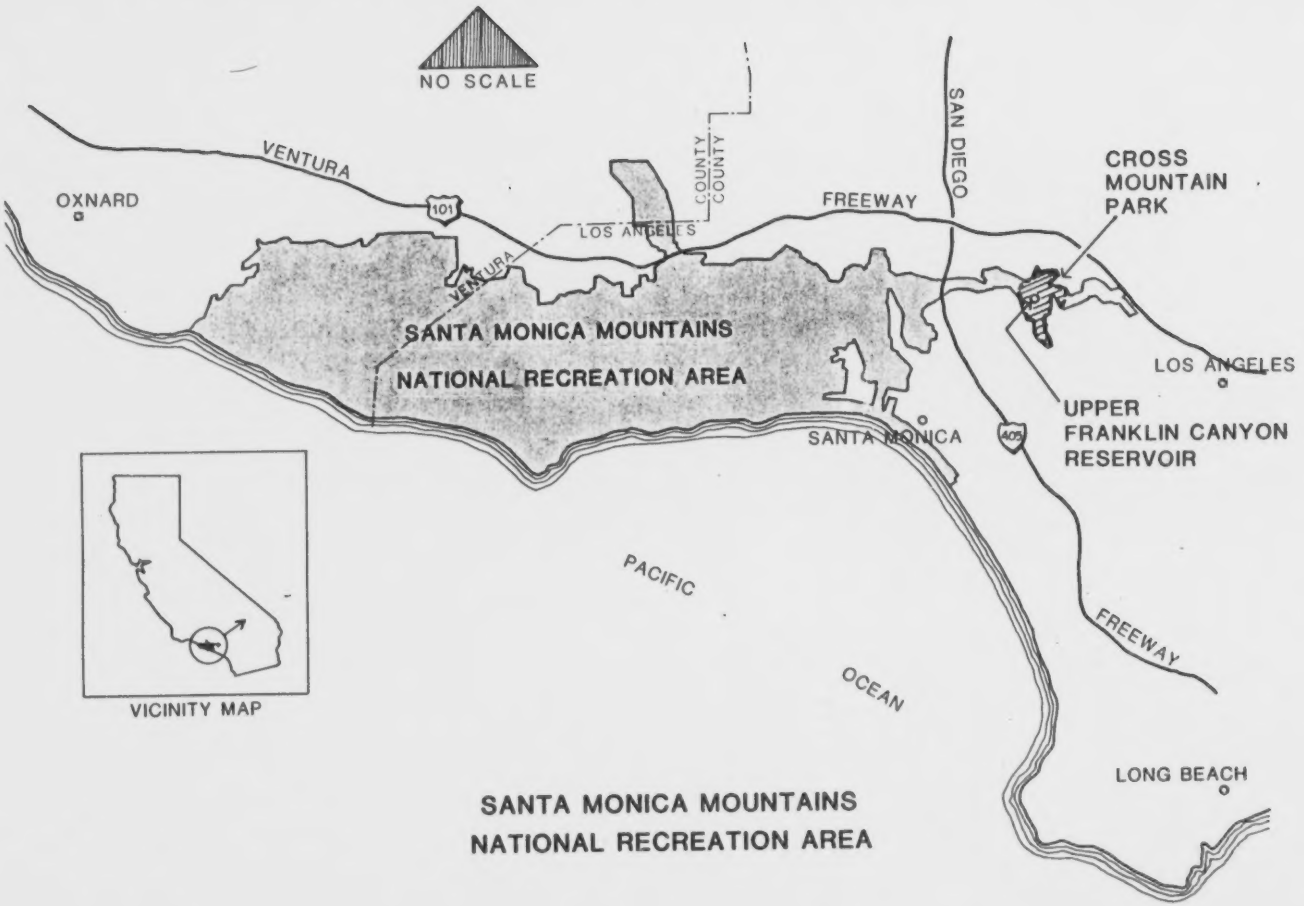
RESERVOIRS
L.A. AQUEDUCTS
LOS ANGELES
VICINITY MAP
395
SOUTH
HAIWEE
RESERVOIR
L.A. PROPERTY
PROPOSED L.A. AQUISITION OF
U.S. DEPT. OF INTERIOR PROPERTY
1ST AND 2ND
L.A. AQUEDUCTS
HAIWEE POWER PLANT
HAIWEE RESERVOIR PROPERTY



UPPER FRANKLIN CANYON RESERVOIR PROPERTY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VENTURA
COUNTY
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FREEWAY
SAN DIEGO
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NATIONAL RECREATION AREA
LOS ANGELES
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RESERVOIR
SANTA MONICA
405
PACIFIC
OCEAN
FREEWAY
LONG BEACH
VICINITY MAP
SANTA MONICA MOUNTAINS
NATIONAL RECREATION AREA

I

98TH CONGRESS
1ST SESSION

H. R. 3331

To authorize the exchange of certain lands between the Bureau of Land Management and the city of Los Angeles for purposes of the Santa Monica Mountains National Recreation Area.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 1983

Mr. BERMAN (for himself, Mr. BEILENSON, Ms. FIEDLER, Mr. LEVINE of California, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

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A BILL

To authorize the exchange of certain lands between the Bureau of Land Management and the city of Los Angeles for purposes of the Santa Monica Mountains National Recreation Area.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 507(c)(2) of the National Parks and Recreation Act of 1978 (92 Stat. 3501; 16 U.S.C. 460kk) is amended by—

(1) inserting "(A)" after "(2)";

(2) striking out "Any" in the third sentence thereof and substituting "Except as provided in subparagraph (B), any"; and

(3) adding the following new subparagraph at the end thereof:

"(B) The Secretary (acting through the Bureau of Land Management) is authorized to negotiate, and carry out, an exchange with the city of Los Angeles (acting through its department of water and power) of certain lands managed by the Bureau of Land Management in the vicinity of the Haiwee Reservoir in Inyo County for certain lands controlled by the city of Los Angeles which are associated with the Upper Franklin Reservoir in the city of Los Angeles. Lands acquired by the Secretary pursuant to such exchange shall be transferred without cost to the administrative jurisdiction of the Secretary for the purposes of the recreation area. The values of lands exchanged under this subsection shall be equal, or shall be equalized, in the same manner as provided in section 206 of the Federal Land Policy and Management Act of 1976.".

S 2136—EXCHANGE OF CERTAIN LANDS IN CALIFORNIA

S. 2136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 507(c)(2) of the National Parks and Recreation Act of 1978 (92 Stat. 3501; 16 U.S.C. 460kk) is amended by—

(1) inserting "(A)" after "(2)";

(2) striking out "Any" in the third sentence thereof and subsututing "Except as provided in subparagraph (B), any"; and

(3) adding the following new subparagraph at the end thereof:

"(B) The Secretary (acting through the Bureau of Land Management) is authorized to negotiate, and carry out, an exchange with the city of Los Angeles (acting through its department of water and power) of certain lands managed by the Bureau of Land Management in the vicinity of the Haiwee Reservoir in Inyo County for certain lands controlled by the city of Los Angeles which are associated with the Upper Franklin Reservoir in the city of Los Angeles. Lands acquired by the Secretary pursuant to such exchange shall be transferred without cost to the administrative jurisdiction of the Secretary for the purposes of the recreation area. The values of lands exchanged under this subsection shall be equal, or shall be equalized, in the same manner as provided in section 206 of the Federal Land Policy and Management Act of 1976.".

SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA

SEC. 507. (a) The Congress finds that— 16 USC 460kk.

(1) there are significant scenic, recreational, educational, scientific, natural, archeological, and public health benefits provided by the Santa Monica Mountains and adjacent coastline area;

(2) there is a national interest in protecting and preserving these benefits for the residents of and visitors to the area; and

(3) the State of California and its local units of government have authority to prevent or minimize adverse uses of the Santa Monica Mountains and adjacent coastline area and can, to a great extent, protect the health, safety, and general welfare by the use of such authority.

(b) There is hereby established the Santa Monica Mountains National Recreation Area (hereinafter referred to as the "recreation area"). The Secretary shall manage the recreation area in a manner which will preserve and enhance its scenic, natural, and historical setting and its public health value as an airshed for the Southern California metropolitan area while providing for the recreational and educational need of the visiting public. Establishment. Management.

(c)(1) The recreation area shall consist of the lands and waters and interests generally depicted as the recreation area on the map entitled "Boundary Map, Santa Monica Mountains National Recreation Area, California, and Santa Monica Mountains Zone", numbered SMM-NRA 80,000, and dated May 1978, which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and in the offices of the General Services Administration in the Federal Office Building in West Los Angeles, California, and in the main public library in Ventura, California. After advising the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, in writing, the Secretary may make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register. Description. Boundary revisions, notice to congressional committees and publication in Federal Register.

(2) Not later than ninety days after the date of enactment of this Act, the Secretary, after consultation with the Governor of the State of California, the California Coastal Commission, and the Santa Monica Mountains Comprehensive Planning Commission, shall commence acquisition of lands, improvements, waters, or interests therein within the recreation area. Such acquisition may be by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or otherwise. Any lands or interests therein owned by the State of California or any political subdivision thereof (including any park district or other public entity) may be acquired only by Lands, waters, and interests, acquisition and consultation.

donation, except that such lands acquired after the date of enactment of this section by the State of California or its political subdivisions may be acquired by purchase or exchange if the Secretary determines that the lands were acquired for purposes which further the national interest in pfotecting the area and that the purchase price or value on exchange does not exceed fair market value on the date that the State acquired the land or interest: *Provided, however*, That the value of any lands acquired by the Secretary under the exception in this sentence shall be deducted from the amount of moneys available for grants to the State under subsection (n) of this section. Notwithstanding any other provision of law, any Federal property located within the boundaries of the recreation area shall, with the concurrence of the head of the agency having custody thereof, be transferred without cost, to the administrative jurisdiction of the Secretary for the purposes of the recreation area.

Federal property, transferral.

(3) The Administrator of the General Services Administration is hereby authorized and directed to transfer the site generally known as Nike Site 78 to the Secretary for inclusion in the recreation area: *Provided*, That the county of Los Angeles shall be permitted to continue to use without charge the facilities together with sufficient land as in the determination of the Secretary shall be necessary to continue to maintain and operate a fire suppression and training facility and shall be excused from payment for any use of the land and facilities on the site prior to the enactment of this Act. At such time as the county of Los Angeles, California, relinquishes control of such facilities and adjacent land or ceases the operation of the fire suppression and training facility, the land and facilities shall be managed by the Secretary as a part of the recreation area.

Site transferral.

(d) (1) Within six months after the date of enactment of this Act, the Secretary shall identify the lands, waters, and interests within the recreation area which must be acquired and held in public ownership for the following critical purposes: preservation of beaches and coastal uplands; protection of undeveloped inland stream drainage basins; connection of existing State and local government parks and other publicly owned lands to enhance their potential for public recreation use; protection of existing park roads and scenic corridors, including such right-of-way as is necessary for the protection of the Mulholland Scenic Parkway Corridor; protection of the public health and welfare; and development and interpretation of historic sites and recreation areas in connection therewith, to include, but not be limited to, parks, picnic areas, scenic overlooks, hiking trails, bicycle trails, and equestrian trails. The Secretary may from time to time revise the identification of such areas, and any such revisions shall become effective in the same manner as herein provided for revisions in the boundaries of the recreation area.

Lands, waters, and interests, identification.

Revisions.

(2) By January 1, 1980, the Secretary shall submit, in writing, to the committees referred to in subsection (c) and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate—

Plan, submittal to congressional committees.

(A) the lands and areas identified in paragraph (1),

(B) the lands which he has previously acquired by purchase, donation, exchange, or transfer for the purpose of this recreation area,

(C) the annual acquisition program (including the level of funding) recommended for the ensuing five fiscal years, and

(D) the final boundary map for the recreation area.

(e) With respect to improved properties, as defined in this section, fee title shall not be acquired unless the Secretary finds that such lands are being used, or are threatened with uses, which are detrimental to the purposes of the recreation area, or unless each acquisition is necessary to fulfill the purposes of this section. The Secretary may acquire scenic easements to such improved property or such other interests as, in his judgment are necessary for the purposes of the recreation area. Improved properties, acquisition. Scenic easements.

(f) For the purposes of this section, the term "improved property" means— Definition.

(1) a detached single-family dwelling, the construction of which was begun before January 1, 1976 (hereafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated as is in the same ownership as the dwelling and as the Secretary designates to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures necessary to the dwelling which are situated on the land so designated, and

(2) property developed for agricultural uses, together with any structures accessory thereto as were used for agricultural purposes on or before January 1, 1978.

In determining when and to what extent a property is to be treated as "improved property" for purposes of this section, the Secretary shall take into consideration the manner of use of such buildings and lands prior to January 1, 1978, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed prior to such date. Designation.

(g) The owner of an improved property, as defined in this section, on the date of its acquisition, as a condition of such acquisition, may retain for herself or himself, her or his heirs and assigns, a right of use and occupancy of the improved property for noncommercial residential or agriculture purposes, as the case may be, for a definite term of not more than twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the death of her or his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner. A right retained by the owner pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this section, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired. Use and occupancy rights, retention. Payment. Termination, notification.

(h) In exercising the authority to acquire property under this section, the Secretary shall give prompt and careful consideration to any offer made by an individual owning property within the recreation area to sell such property, if such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship.

(i) The Secretary shall administer the recreation area in accordance with this Act and provisions of laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.). In the administration of the recreation area, the Secretary may utilize such statutory authority Administration.

available for the conservation and management of wildlife and natural resources as appropriate to carry out the purpose of this section. The fragile resource areas of the recreation area shall be administered on a low-intensity basis, as determined by the Secretary.

Cooperative agreements.

(j) The Secretary may enter into cooperative agreements with the State of California, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

Donations.

(k) Notwithstanding any other provision of law, the Secretary is authorized to accept donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of land acquisition and providing services and facilities which the Secretary deems consistent with the purposes of this section.

Report.

(l) By January 1, 1981, the Santa Monica Mountains National Recreation Area Advisory Commission, established by this section, shall submit a report to the Secretary which shall—

(1) assess the capability and willingness of the State of California and the local units of government to manage and operate the recreation area,

(2) recommend any changes in ownership, management, and operation which would better accomplish the purposes of this section, and

(3) recommend any conditions, joint management agreements, or other land use mechanisms to be contingent on any transfer of land.

Report to congressional committees.

(m) The Secretary, after giving careful consideration to the recommendations set forth by the Advisory Commission, shall, by January 1, 1982, submit a report to the Committees referred to in subsection (c) which shall incorporate the recommendations of the Advisory Commission as well as set forth the Secretary's recommendations. Such report shall—

(1) assess the benefits and costs of continued management as a unit of the National Park System.

(2) assess the capability and willingness of the State of California and the local units of government to manage and operate the recreation area, and

(3) recommend any changes in ownership, management, and operation which would better accomplish the purposes of this section.

Comprehensive plan.

(n)(1) The Secretary shall request the Santa Monica Mountains Comprehensive Planning Commission to submit a comprehensive plan, prepared in accord with this section and title 7.75 of the California Government Code (commencing with section 67450), for the Santa Monica Mountains Zone generally depicted on the map referred to in subsection (c) of this section for approval.

(2) The comprehensive plan shall include, in addition to the requirements of California State law—

(A) an identification and designation of public and private uses which are compatible with and which would not significantly impair the significant scenic, recreational, educational, scientific, natural, archeological, and public health benefits present in the zone and which would not have an adverse impact on the recreation area or on the air quality of the south coast air basin;

(B) a specific minimum land acquisition program which shall include, but not be limited to, fee and less than fee acquisition

of strategic and critical sites not to be acquired by the Federal Government for public recreational and other related uses; and a program for the complementary use of State and local authority to regulate the use of lands and waters within the Santa Monica Mountains Zone to the fullest extent practicable consistent with the purposes of this section; and

(C) a recreation transportation system which may include but need not be limited to existing public transit.

(3) No plan submitted to the Secretary under this section shall be approved unless the Secretary finds the plan consistent with paragraph (2) and finds that—

(A) the planning commission has afforded adequate opportunity, including public hearings, for public involvement in the preparation and review of the plan, and public comments were received and considered in the plan or revision as presented to him;

(B) the State and local units of government identified in the plan as responsible for implementing its provisions have the necessary authority to implement the plan and such State and local units of government have indicated their intention to use such authority to implement the plan;

(C) the plan, if implemented, would preserve significant natural, historical, and archeological benefits and, consistent with such benefits, provide increased recreational opportunities for persons residing in the greater Los Angeles-southern California metropolitan area; and

(D) implementation of the plan would not have a serious adverse impact on the air quality or public health of the greater Los Angeles region.

Consultation with EPA.

Before making his findings on the air quality and public health impacts of the plan, the Secretary shall consult with the Administrator of the Environmental Protection Agency.

(4) Following approval of the plan with respect to the Santa Monica Mountains Zone, upon receipt of adequate assurances that all aspects of that jurisdiction's implementation responsibilities will be adopted and put into effect, the Secretary shall—

Grants.

(A) provide grants to the State and through the State to local governmental bodies for acquisition of lands, waters, and interests therein identified in paragraph (2)(B), and for development of essential public facilities, except that such grants shall be made only for the acquisition of lands, waters, and interests therein, and related essential public facilities, for park, recreation, and conservation purposes; and

Funds.

(B) provide, subject to agreements that in the opinion of the Secretary will assure additional preservation of the lands and waters of the zone, such funds as may be necessary to retire bonded indebtedness for water and sewer and other utilities already incurred by property owners which in the opinion of the Secretary would if left outstanding contribute to further development of the zone in a manner inconsistent with the approved plan developed by the planning commission.

Assurance requirements.

No grant for acquisition of land may be made under subparagraph (A) unless the Secretary receives satisfactory assurances that such lands acquired under subparagraph (A) shall not be converted to other than park, recreation, and conservation purposes without the approval of the Secretary and without provision for suitable replacement land.

Grant requirements.

(5) Grants under this section shall be made only upon application of the recipient State and shall be in addition to any other Federal financial assistance for any other program, and shall be subject to such terms and conditions as the Secretary deems necessary to carry out the purposes of this section. Any jurisdiction that implements changes to the approved plan which are inconsistent with the purposes of this section, or adopts or acquiesces in changes to laws regulations or policies necessary to implement or protect the approved plan, without approval of the Secretary, may be liable for reimbursement of all funds previously granted or available to it under the terms of this section without regard to such additional terms and conditions or other requirements of law that may be applicable to such grants. During the life of the planning commission, changes to the plan must be submitted by the planning commission to the Secretary for approval. No such application for a grant may be made after the date five years from the date of the Secretary's approval of the plan.

Plan changes.

Comments.

(o) The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in the lands and waters within the Santa Monica Mountains Zone, generally depicted on the map referred to in subsection (c), and the head of any Federal agency having authority to license or permit any undertaking in such lands and waters shall, prior to the approval of the expenditure of any Federal funds on such undertaking or prior to the issuance of any license or permit, as the case may be, afford the Secretary a reasonable opportunity to comment with regard to such undertaking and shall give due consideration to any comments made by the Secretary and to the effect of such undertaking on the "findings" and purposes of this section.

(p) The Secretary shall give full consideration to the recommendations of the California Department of Parks and Recreation, the Santa Monica Mountains Comprehensive Planning Commission, and the California Coastal Commission.

Santa Monica Mountains National Recreation Area Advisory Commission. Establishment. Membership.

(q)(1) There is hereby established the Santa Monica Mountains National Recreation Area Advisory Commission (hereinafter referred to as the "Advisory Commission"). The Advisory Commission shall terminate ten years after the date of establishment of the recreation area.

(2) The Advisory Commission shall be composed of the following members to serve for terms of five years as follows:

(A) one member appointed by the Governor of the State of California;

(B) one member appointed by the mayor of the city of Los Angeles;

(C) one member appointed by the Board of Supervisors of Los Angeles County;

(D) one member appointed by the Board of Supervisors of Ventura County; and

(E) five members appointed by the Secretary, one of whom shall serve as the Commission Chairperson.

Meetings. Notice, publication in newspapers.

(3) The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area. Commission meetings shall be held at locations and in such a manner as to insure adequate public involvement. Such locations shall be in the region of the Santa Monica Mountains and no more than twenty-five miles from it.

(4) Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairperson. Compensation and expenses.

(5) The Secretary, or his or her designee, shall from time to time but at least semiannually, meet and consult with the Advisory Commission on matters relating to the development of this recreation area and with respect to carrying out the provisions of this section. Consultation.

(r) There are authorized to be appropriated such sums as may be necessary for acquisition of lands and interests in land within the boundaries of the recreation area established under this section, but not more than $15,000,000 for fiscal year 1979, $40,000,000 for fiscal year 1980, $45,000,000 for fiscal year 1981, $10,000,000 for fiscal year 1982, and $15,000,000 for fiscal year 1983, such sums to remain available until expended. For grants to the State pursuant to subsection (n) there are authorized to be appropriated not more than $10,000,000 for fiscal year 1979, $10,000,000 for fiscal year 1980, $5,000,000 for fiscal year 1981, and $5,000,000 for fiscal year 1982, such sums to remain available until expended. For the authorizations made in this subsection, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years. Appropriation authorization.

(s) For the development of essential public facilities in the recreation area there are authorized to be appropriated not more than $500,000. The Congress expects that, at least until assessment of the report required by subsection (t), any further development of the area shall be accomplished by the State of California or local units of government, subject to the approval of the Director, National Park Service.

(t) Within two years from the date of establishment of the recreation area pursuant to this section, the Secretary shall, after consulting with the Advisory Commission, develop and transmit to the Committees referred to in subsection (c) a general management plan for the recreation area consistent with the objectives of this section. Such plan shall indicate— Management plan, transmittal to Congress.

(1) a plan for visitor use including the facilities needed to accommodate the health, safety, education and recreation needs of the public;

(2) the location and estimated costs of all facilities;

(3) the projected need for any additional facilities within the area;

(4) any additions or alterations to the boundaries of the recreation area which are necessary or desirable to the better carrying out of the purposes of this section; and

(5) a plan for preservation of scenic, archeological and natural values and of fragile ecological areas.

37-843 O - 84 - 16

RECEIVED
JUL 26 1983
Board of Water & Power Com'rs.
CITY OF LOS ANGELES

CITY OF LOS ANGELES
CALIFORNIA

OFFICE OF
CITY CLERK
Room 395, City Hall
Los Angeles, CA 90012
485-5705

83-0800 S33

TOM BRADLEY
MAYOR

July 20, 1983

Honorable Tom Bradley, Mayor
Chief Legislative Analyst
City Administrative Officer
City Attorney
Department of Water and Power

DEPT. OF WATER & POWER
RECEIVED
JUL 28 1983
EXECUTIVE OFFICES
WATER SYSTEM

RE: SUPPORT OF H.R. 3331 (BERMAN), WHICH WOULD AMEND THE NATIONAL PARKS AND RECREATION ACT OF 1978

I HEREBY CERTIFY that the attached Report of the Intergovernmental Relations Committee was adopted by the Los Angeles City Council at its meeting held July 20, 1983.

ELIAS MARTINEZ, CITY CLERK

By Crystal Clack
Deputy

cc
Att.

File No.: 83-0800-S33

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your INTERGOVERNMENTAL RELATIONS COMMITTEE reports as follows:

Your Committee RECOMMENDS that the City's 1983-84 Federal Legislative Program include SUPPORT of H.R. 3331 (Berman), which would amend the National Parks and Recreation Act of 1978 to permit an exchange of land at Upper Franklin Canyon under the jurisdiction of the Department of Water and Power for land at Haiwee Reservoir, Inyo County under the jurisdiction of the Bureau of Land Management.

Existing Federal law provides for the acquisition of private land by purchase and the acquisition of government lands by donation for the Santa Monica Mountains National Recreation Area.

H.R. 3331 would permit the City of Los Angeles through the Department of Water and Power to trade 30 acres of land in the Upper Franklin Canyon under the City's jurisdiction for approximately 3,000 acres of federally owned land in the Haiwee Reservoir area of Inyo County. This legislation would provide the following benefits:

1. Expedite the development of the Cross Mountain Park component of the Santa Monica Mountains National Recreation Area.

2. Consolidation of the City's land ownership in the Haiwee Reservoir area needed for the protection of water quality in Inyo County and for management control of the dam, hydroelectric power plant, and connecting pipelines.

- A representative of DWP has advised that the Franklin Canyon land is no longer essential to the operations of the department.

- The land to be exchanged through this amendment would be of equal value or the value would be equalized.

- Representatives of DWP have indicated that this matter has been discussed with the Chairperson of the Energy and Natural Resources Committee and other interested Council members.

- This matter involves 30 acres of the approximately 300 acres of land that the City owns in Franklin Canyon. DWP has indicated that plans are being made for the elimination of the Franklin Canyon Reservoir from the City's water system when the exchange of the entire 300 acres is completed.

- According to Los Angeles Times, the Inyo County Board of Supervisors has voted to support the land exchange, inasmuch as DWP has indicated that the lake will be open to the public for appropriate recreation after the first filtration plant is completed.

Your Committee recommends support of H.R. 3331 (Berman).

OFFICE OF THE COUNTY COUNSEL
COUNTY OF INYO
POST OFFICE BOX 428
INDEPENDENCE, CALIFORNIA 93526
(619) 878-2411

DENNIS L. MYERS, *County Counsel*
ALICIA JONES, *Deputy County Counsel*

September 2, 1983

GREGORY L. JAMES, *Special Counsel*

Congressman Jerry Lewis
101 South Sixth Street
Redlands, California 92373

Re: HR 3331

Dear Congressman Lewis:

Please find enclosed a copy of a Board Order passed by the Inyo County Board of Supervisors on June 14, 1983 in support of a land exchange between the City of Los Angeles Department of Water and Power and the Bureau of Land Management. Please note the County supports such an exchange based upon the condition that the reservoir be open to the public for recreational purposes.

We understand that HR 3331 recognizes the concept of exchanging lands for recreational purposes. Therefore, to the extent that our Board Order is relevant to said legislation, we submit it for your consideration.

Very truly yours,

DENNIS L. MYERS
County Counsel

DLM:jl

Enclosure

In the Rooms of the Board of Supervisors

County of Inyo, State of California

I HEREBY CERTIFY, That at a meeting of the Board of Supervisors of the County of Inyo, State of California, held in their rooms at the Court House in Independence on the 14th day of June, 19 83, an order was duly made and entered as follows:

HAIWEE LAND EXCHANGE - Support

Moved by Supervisor Irwin, seconded by Supervisor Cook to support the land exchange between the L.A. Department of Water & Power and the Bureau of Land Management in which the D.W.P. will acquire the Haiwee Reservoir property; support granted under the condition that D.W.P. make every effort to make the reservoir open to the public for recreational purposes.

Motion carried.

Supervisor Johnson, absent.

ROUTING:
CC
Purchasing
Personnel
Auditor
CAO X
Other Plng, D.W.P.

Date 6/21/83

WITNESS my hand and the seal of said Board this 14th day of June, 19 83

MICHAEL B. HANFORD
Clerk of the Board of Supervisors

By Bill Howard

NORTH AND SOUTH HAIWEE RESERVOIRS

UPPER FRANKLIN CANYON RESERVOIR

Senator WALLOP. That appears to be all the witnesses that we consider this afternoon. I call the hearing adjourned.

[Whereupon, at 4:10 p.m., the hearing was adjourned.]

APPENDIX

Additional Material Submitted for the Record

STATEMENT OF GOVERNOR RICHARD D. LAMM OF COLCRADO

U.S. SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

MAY 22, 1984

Chairman Wallop and Members of the Committee, I appreciate the opportunity to express my strong support for the expansion of the impressive Black Canyon of the Gunnison National Monument as defined in and in the manner described in S. 2015, the companion bill to H.R. 3825 which has already passed the House with no opposition.

The measure would provide necessary authorization for the federal government to purchase development rights for 6,700 acres on the north rim on the canyon. Acquisition of these conservation easements would expand the Monument and would adequately insure the long term protection of the viewshed on the north side of the rim of the Black Canyon of the Gunnison. Visitors to the Monument touring the visitor center or travelling the road along the south rim would be assured the continued opportunity to look north in to the canyon depths, across the canyon and on to the West Elks in the distance without inappropriate man-made visual distractions.

If one has been fortunate to look north from the south rim at dawn and experience first hand the awe-inspiring shadows created among the canyon walls created by the light of the rising sun and

the mist of the early morning, he or she knows that the protection of the viewshed on the north rim is absolutely critical to the integrity of the monument as a whole.

I support the proposed expansion via purchase of conservation easements because the cost in federal dollars will be substantially less than fee simple acquisition of the same acres in the proposed expansion. The proposal has the support of a diversity of interests in Colorado which has resulted in an unprecedented cooperative endeavor among all of the affected private landowners, the local governments of the cities of Montrose and Delat and the counties of Montrose and Gunnison, local businesses, the environmental community, the National Park Service, and the State of Colorado.

Finally, the proposal is in accordance with the existing plans of the National Park Service as summarized in the General Management Plan/Development Concept Plan of June, 1983. These plans have been communicated to the affected private landowners in letters sent by the National Park Service. It is now essential that these long standing plans of the Park Service be implemented since there is a distinct and real threat of housing developments along the north rim of the Canyon by a landowner who owns 4,000 of the proposed 6,700 acres. In order to generate a cash flow for his

ranching operation, this landowner plans to subdivide his 4,000 acres if Congress fails to authorize the purchase of his development rights. His intentions to develop seem sincere in that he already has a development plat filed with the County and a water source approved for the development. Implementation of the full expansion proposal requires that Congress pass the legislation to authorize the plan and the appropriation to buy the easements for the 6,700 acres.

I urge your Committee to accept your responsibility on this issue and to pass S. 2015 so that the expansion of the Black Canyon of the Gunnison National Monument can proceed. Passage and implementation of this legislation will insure the protection of the viewshed along the north rim for future generations whose need to view such a quality vista will be far greater than ours is today.

THE WILDERNESS SOCIETY

FOUNDED IN 1935

TESTIMONY SUBMITTED BY THE WILDERNESS SOCIETY REGARDING S. 2015 AND H.R. 3825, BILLS TO REVISE THE BOUNDARY OF THE BLACK CANYON OF THE GUNNISON NATIONAL MONUMENT, MAY 31, 1984

Mr. Chairman, members of the Committee, The Wilderness Society supports S. 2015 and H.R. 3825, bills which authorize the enlargement of the Black Canyon of the Gunnison National Monument in Colorado. These bills, although slightly different from one another, accomplish three fundamental purposes.

First, they expand the Monument by 7,000 acres on the north rim to protect the outstanding scenic qualities of the area. These bills will guarantee that visitors to the Monument will continue to enjoy the unparalleled view across the Black Canyon north to the West Elks Wilderness Area and beyond, without the possibility of development occurring in the viewshed.

Second, these bills give the Secretary of Interior the option of pursuing fee acquisition or a scenic easement. This is an important provision, not only because scenic easements may be less expensive, but also because they may allow the traditional ranching lifestyle to continue on the north rim.

Third, the bills give the Secretary full range of authority to insure the protection of the viewshed area once the Monument is expanded. As mentioned above, this includes acquisition through fee or easement. In this regard, however, we prefer the language of S. 2015 which allows for condemnation of fee interest where required to protect the resources of the monument or where needed for administrative or development purposes. While we do not believe condemnation authority will have to be exercised in the Black Canyon, it is an important element if we are to insure protection of its scenic values.

It is important to note that this expansion has long been a National Park Service priority. The Service recognizes that one of the most important scenic experiences valued by visitors to the Black Canyon is the view offered from the south rim. H.R. 3825 and S. 2015 recommend culmination of many years' study by the Park Service. This legislation is also supported by the affected local communities.

There is great need and urgency for this legislation. One of the landowners within the proposed expansion area has begun proceedings to develop his property. While he would rather see his holdings as part of the Monument, he has stated that economic conditions force him to develop. Since he owns some 4,000 of the 7,000 acres involved, the need for immediate action on this legislation is apparent.

The Black Canyon of the Gunnison is a national resource worthy of protection. We urge your favorable consideration of this legislation.

1901 PENNSYLVANIA AVENUE, N.W., WASHINGTON, D.C. 20006

(202) 828-6600

1390 Mallory Lane
Reno, Nevada 89511
March 25, 1984

Senator Malcolm Wallop, Chairman
Subcommittee on Public Land and Natural Resources
Room 308, Dirkson Senate Office Building
Washington, D.C. 20510

In February, 1984, I addressed a letter to Congressman Seiberling concerning the pending legislation on the California Emigrant Trails, H.R. 3787. Since I did not at the time know the disposition of the companion bill in the Senate, S. 2135, I forwarded copies of my letter to Senators Laxalt and Hecht of Nevada. Although Senator Hecht is a member of your committee, and will undoubtedly provide you with a copy of my letter, I am also sending you a copy for your information and convenience.

The efforts of Nevada people in support of this legislation are only a small part of the national effort. The Oregon-California Trails Association has spearheaded this movement. The membership comes from all the states from Missouri to California through which the emigrant trails led. In California a very active group, based in Palo Alto, and under the leadership of Mr. Thomas Hunt, has been working for the bill. Tom Hunt is a scientist and scholar, and is the author of the magnificent volume "Ghost Trails to California". Mr. Hunt, a long time personal friend of mine, was a protege of George Stewart, the California writer who wrote, among other things, the vivid history of the tragic Donner Party, "Ordeal by Hunger".

Senator Wallop, all of us in Nevada and the other states along the Oregon- California Trail are hoping that steps can be taken now better to protect what remains salvable of these trails. In Nevada, we are concerned about all the trails, but we are especially concerned about a section of the Applegate-Lassen Trail, which breaks off the main trail in central Nevada and slants northwesterly into Oregon and northern California. This portion of the trail includes the Black Rock Desert-High Rock Canyon complex, considered by many to have been the most terrifying portion of the entire trail. Today it is the most spectacular and most preservable portion of the trail.

In Nevada, the Administration of Governor Bryan has been deeply concerned with the natural resources of the State: the land, the water, the scenery, and the cultural values which adhere to the land. Governor Bryan and his staff have taken the trouble to visit and study first hand such treasures as the Black Rock Desert-High Rock Canyon complex. The Governor and his staff join with the Nevada congressional delegation in supporting this legislation. We hope that you will lend your support to S. 2135.

Sincerely yours,

Robert S. Griffin

Robert S. Griffin, Ph.D.

cc: Senator Paul Laxalt
Senator Chic Hecht
Rep. Barbara Vucanovich
Rep. Harry Reid
Rep. John Seiberling

MAR 1984

1390 Mallory Lane
Reno, Nevada 89511
Feb. 27, 1984

Congressman John F. Seiberling
Chairman, Subcommittee on Public Lands
and National Parks
1225 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Seiberling:

I am writing to urge you and your committee members to make an early and favorable report out of committee of H.R. 3787. In so doing, I am representing two important organizations, both of which have worked for years to identify and preserve those parts of the California Trail which crossed Nevada and entered California and Oregon.

Trails West is a group centered in Nevada, but with membership from California, Oregon, and Washington. Its 140 members have spent 13 years and thousands of their own dollars researching, identifying and marking the California Trail from southern Idaho through Nevada and into California and Oregon. As one of the organizers and Past-President of Trails West, I know first hand the current condition of this part of America's Heritage.

The Committee for the Emigrant Trail National Monument has spent ten years trying to protect a part of the Applegate-Lassen Trail (a branch of the California Trail) as a part of a proposed Historical National Monument. We guided the team of photographers and writers from National Geographic when they were reporting and photographing the Applegate-Lassen Trail as part of their book, published in 1979, and also called "Trails West". (The writer for National Geographic for this part of the Trail was Robert Laxalt, brother of Senator Paul Laxalt.)

This proposed national monument would preserve for posterity that part of the western emigrant trails which best combines all the essential virtues of a monument of this kind. It has great historical significance, incredible scenery, natural wonders, and extremely important scientific treasures. Our committee has had to fight for years to prevent the potential destruction of the values of this area through commercial leasing and almost certain sacrifice of the intrinsic values which make it a suitable area for a historical monument.

The members of both of these organizations have hailed with great appreciation the introduction of H.R. 3787. We have felt that it would at least provide some protection against further erosion of this area. The things which we are attempting to preserve are in great danger with the passing of every year. To preserve the remains of our historic California Trail and all its parts, we need to act quickly.

Congressman Seiberling, we urge that you and your committee report this bill out favorably, in time for full action on it. Approval of this resolution 3787 at this time would give some sorely needed legal protection to what remains of the most important single avenue of migration in the settlement of Western America.

Sincerely yours,
Robert S. Griffin, Ph.D.
Robert S. Griffin

cc: Senator Paul Laxalt
Senator Chic Hecht
Rep. Barbara Vucanovich
Rep. Harry Reid

STATE OF CALIFORNIA GEORGE DEUKMEJIAN, Governor

SANTA MONICA MOUNTAINS CONSERVANCY
110 SOUTH BROADWAY, ROOM 7117
LOS ANGELES, CALIFORNIA 90012
(213) 620-2581

STATEMENT OF JOSEPH T. EDMISTON, EXECUTIVE DIRECTOR,
STATE OF CALIFORNIA, SANTA MONICA MOUNTAINS CONSERVANCY
BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND NATIONAL PARKS
OF THE HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
H.R. 3331

Mr. Chairman and Members of the Subcommittee:

The Santa Monica Mountains Conservancy is the agency of the State of California charged with acquiring land for park, recreation, conservation, and open space purposes within the 200,040 acre Santa Monica Mountains Zone. Under State law the Conservancy is responsible for implementing the Santa Monica Mountains Comprehensive Plan and the State Grant Program for the Santa Monica Mountains National Recreation Area authorized by Section 507(n) of the National Parks and Recreation Act of 1978.

The Santa Monica Mountians Conservancy is pleased to support H.R. 3331 because it makes possible a land exchange benefiting both the Santa Monica Mountains National Recreation Area and the City of Los Angeles.

Upper Franklin Canyon (Reservoir) forms an important link in what has been called the "Cross Mountain Park". Actually the Cross Mountain Park is not one, but six publically owned properties totalling about 700 acres at almost the exact geographical center of the City of Los Angeles. It is a haven of open space in an otherwise overdeveloped city.

We are grateful to Representative Berman in that the largest areas of the Cross Mountain Park--Doheny Ranch, Wilacre Estate, and Fryman Canyon are already devoted to park use by virture of legislation he authored while serving in the California State Assembly. Upper Franklyn Canyon is not only a jewel in itself, but is the keystone parcel connecting the Doheny Ranch--already administered by the National Park Service--and the rest of the Cross Mountain Park which is administered by the Santa Monica Mountains Conservancy and the California Conservation Project (TreePeople).

Upper Franklyn Canyon is also important because the additional acreage will facilitate the work of the William O. Douglas Outdoor Classroom. WODOC's environmental education efforts have long been recognized at the local and state level, and recently Sooky Goldman, WODOC's founder and President, was honored by the Secretary of the Interior for her private sector initiatives on behalf of the Santa Monica Mountains National Recreation Area.

We urge Congress to swiftly enact H.R. 3331 so that the administrative process leading up to the land exchange can be completed as soon as possible.

George M. Notter Jr., FAIA
President

THE
AMERICAN
INSTITUTE
OF
ARCHITECTS

1735 New York Avenue, N.W.
Washington, D.C. 20006
Telephone (202) 626-7300
Cable Address: AMINARCH
Telex 710822 1112

June 6, 1984

The Honorable Malcolm Wallop, Chairman
Public Lands and Reserved Water Subcommittee
Energy and Natural Resources Committee
U. S. Senate
SD-308 Dirksen Senate Office Building
Washington, D. C. 20510

Dear Senator Wallop:

As President of The American Institute of Architects, I am pleased to be able to provide comments to you supporting S. 2082 and H. R. 4356, The Olmsted Historic Landscape Act. The American Institute of Architects is the representative voice of architects across the United States. We have a long tradition of supporting preservation efforts. Our public policy states that historic preservation is the process of conserving for future generations the significant elements of our environment. The AIA supports the designation of significant historic sites as landmarks in order t recognize their importance to the community, state or nation and assure them protection. Further, the AIA supports landmark legislation, such as the Olmsted Historic Landmarks Act, to preserve and guide the development of significant historic landscapes.

The American Institute of Architects views the Act as an important first step. Recognizing Olmsted landscapes ought to lead the way to the preservation and restoration of other historically significant landscapes. In this light, the most essential elements in The Act are in Sections 5 (a) (1) (2) (3) which promulgate general standards for the preservation of significant historic landscapes, which include but are not limited to those projects by Olmsted. Indeed, it is the AIA's belief that The Advisory Committee on Olmsted Historic Landscapes and grant funding authority should be extended in the future to include other significant properties.

Thank you for the opportunity to express our support for The Olmsted Historic Landscape Act.

Sincerely,

George M. Notter Jr., FAIA
President

AMERICAN SOCIETY
OF LANDSCAPE ARCHITECTS
WASHINGTON STATE CHAPTER

1984

June I2,I984

Lisa Majdiak
WASLA/Historic Pres. Chair
4740 2]st Ave NE
Seattle, WA 98I05
206.523.69I9

Dear Senator,

I am writing to ask for your support on June I5th at the hearing for HR4356/S2082.

As Chair of the Washington Chapter American Society of Landscape Architects, Historic Preservation Committee, I am acutely aware of the precarious position of our historic landscapes. One of the major barriers in landscape preservation is lack of understanding. It is easy for the layman to grasp the concept of a historic building, where historic landscapes are much less tangible. The result is neglect, and often obselescence. Where do we start to protect and preserve our landscape heritage? One of the easiest points of departure would be to preserve the works of major landscape designers, such as Frederick Law Olmsted.

HR 4356/S2082 is the first step in creating a much needed program to restore and preserve the Olmsted legacy. It would give us federal recognition of the value of our designed landscapes. The federal government's involvement is essential in establishing a successful inventory program, and towards developing effective general standards for Historic Landscape Preservation. The bill does not require a new program, but would better coordinate existing federal programs concerning historic landscapes.

Please support us in this effort, so that we may preserve some of our heritage for the coming generations. I would be happy to answer any questions you might have concerning historic landscapes.

American
Planning
Association

Please reply to:
1776 Massachusetts Ave. NW
Washington, DC 20036
Phone 202 872 0611

1313 E. 60th St.
Chicago, IL 60637
Phone 312.955.9100

Committee File

June 19, 1984

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
JUN 25 1984
WASHINGTON, D.C. 20510

The Honorable James A. McClure
Chairman
Senate Committee on Energy and Natural Resources
SD-358 Dirksen Senate Office Building
Washington, DC 20510

RE: S 2082, The Olmsted Historic Landscapes Act

Dear Chairman McClure:

The American Planning Association would like to take this opportunity to express its support for S 2082, The Olmsted Historic Landscapes Act. We respectfully request that this letter be included in the official hearing record.

The American Planning Association is a non-partisan national organization whose mission is to promote the use of sound planning in the development of our communitites and in the conservation of our significant landscapes and historical landmarks. Our 21,000 members include public officials and planning practitioners at all levels of government and concerned citizens.

This bill to commemorate and preserve the historic landscapes of Frederick Law Olmsted and his associates is an important bill to city planning. Olmsted-designed parks and landscapes have influenced the shape and life of many cities in all parts of this country.

Olmsted was a rare example of a creative urban designer whose strong and progressive social concerns involved him in basic city planning. His firm, in fact, prepared city plans for cities from Santa Fe, New Mexico to Charleston, South Carolina. But, of course, it is the public parks and parkways for which he is best known. These parks were planned not as works of art, but as retreats for the urban masses from the "wear and tear" of everyday city life. These parks were to be escape valves. Central Park, wrote Olmsted, "should have an aspect of spaciousness and tranquility, affording the most agreeable contrast to the confinement, bustle and monotonous street division of the city."

Planning these large city parks and parkways involved not only concern for the welfare of many forgotten people, but also a foresight into the future growth and densities of cities and their impacts on the lives of city residents. This was truly long range city planning. Central Park was almost in the country when it was designed in the 1850s as the urbanization of Manhattan had only crept to 14th Street at that time. But Central Park, as all Olmsted-designed parks and landscapes, was meant to provide havens in concrete jungles for generations to come. In his report on Franklin Park in Boston, Olmsted quoted John Ruskin, "Let it not be for present delight nor present use alone. Let it be such work as our descendants will thank us for . . . ."

These parks and Olmsted's clear statements on design principles, social responsibility, and ecological sensitivity can stimulate planners to help protect the Olmsted heritage and plan new parks and landscapes which meet the social, economic and environmental needs of today's and tomorrow's cities. The bill recognizes, as does APA's adopted policies, that "the pressures of population growth and increased mobility have heightened the public's recreational needs . . . ."

Also, in today's era of tight budgets, this bill's encouragement of public participation and coordination of private activities seems realistic and appropriate. As in so many areas of planning, such public-private partnerships are needed. APA's policies also state that "whenever possible, government efforts to expand recreational and cultural opportunities should include incentives to maximize the involvement of the private sector and of voluntary, quasi-public and nonprofit organizations."

We appreciate the opportunity to comment on S 2082. If you have any questions, please do not hesitate to call me or Nancy P. Schamberg, APA's Director of Government Affairs, at 202/872-0611.

Sincerely,

George T. Marcou, AICP
Deputy Executive Director

SIERRA CLUB

530 Bush Street San Francisco, California 94108 (415) 981-8634

1984 JUN 25 AM 10:19

June 19, 1984

Senator Malcolm Wallop, Chairman
Subcommittee on Public Lands and Reserved Waters
Committee on Energy and Natural Resources
Dirksen Building
Washington, D.C. 20510

Dear Senator Wallop:

We recently learned that a hearing was held on S.2082 on May 22. We ask that this letter be included in the record of that hearing.

The Sierra Club is pleased to learn that an effort is being made to recognize the legacy of the work of Frederick Law Olmsted. His landscape designs were outstanding, and his influence may be felt across the United States. It is safe to say that "Olmsted landscapes," as defined in H.R.4356 and S.2082, have as many users as our national park system. The recognition, conservation and rehabilitation of this important aspect of the American scene is long overdue.

In November, 1982, our Club's magazine SIERRA published an article (enclosed) on the need to revitalize the significant heritage of Frederick Law Olmsted. With improved irrigation, reforestation, restoration of historic buildings, reduction of automobile traffic, protective lighting and elimination of nonconforming uses, these landscapes would be renewed. However, the pending legislation is so heavily weighted toward commemoration and historic preservation that, if enacted in its present form, it could become an impediment to timely and meaningful park restoration.

Section 2(7) speaks of better coordination and more effective utilization of existing Federal programs toward preservation of the legacy. One might as well say that a chicken will feed 14 people instead of 12 for being baked rather than fried. The meagre UPARR and Land and Water Conservation Fund monies cannot take care of the present backlog of park needs! Section 2(7) should speak of expanded programs, directed towsad preservation of the Olmsted legacy.

Section 4 concerns us most of all, because it is where actual damage could be done by this bill. The time division proposed for completion of the inventory of Olmsted parks (1/3 in 3 years, 1/3 more by 5 years, finish in 7 years) risks creating a seven-year hiatus of doing nothing for any of them until the list is complete.

The inventory whould be divided into two sections. The first section should identify each landscape, summarize its present status and make all concerned aware of any threats to its integrity. Such a list could easily be compiled and adopted as a basis for further work within a year. Once this is done, no Federal monies should be made available for projects which are perceived as threatening to park values. The second section would encompass both a fleshing-out of this initial statement and a process by which additional landscapes may qualify. Information such as documentation on the philosophical base, means by which the design intention was carried out, evaluation of the landscape's

physical influence or international significance and specific criteria for preservation would be compiled in this section. This may take an additional six years, although we think that, for the sake of the landscapes and getting on with the job of caring for them, it ought to be limited to four. This section would provide a means for adding parcels to the original list so that a landscape whose owners wish it to be included in the Olmsted legacy, and which for some reason many not have been included on the original list, may have further opportunity to show why the landscape should be considered as part of this heritage.

The Olmsted landscape heritage is much more than "historic landscapes." These landscapes are in use every day for a wide variety of purposes. Section 5(a)1 can be implemented so as to move the process forward by promulgating meaningful standards in a timely way, say in six months. Or the entire process can be stalled by insistence upon the values of historic fidelity above all else or by dilatory promulgation of even a broadly acceptable set of standards.

Section 5(a)(2) and section 5(a)(3) have much support, but they will be meaningful only if backed with money.

Section 8(b) sets up a committee of nine members. All but the two places in subsection (3) may be filled by historians, which makes for an unbalanced appreciation of the value of these landscapes. The Committee should be expanded to thirteen members so that national park, conservation and recreation organizations may each have two representatives so as to fairly balance the Committee, in light of the broad significance of the parks. If it is desirable to keep the number at nine, since no person can represent more than his own discipline, all of the positions in subsection (4) should be eliminated, and five representatives total chosen from the areas named in subsection (3). Specialists from all disciplines listed in Section 4 should be called upon to submit testimony as needed, so that the Committee may benefit from their expertise.

It is time, indeed, to revitalize and restore our Olmsted heritage. The SIERRA article outlines some of the toll of the misuses and abuses of these landscapes over the years. However, we are profoundly concerned that there is neither a carrot nor a stick in this legislation to urge forward the removal of incompatible uses that have come into these parks, to prevent the continuing butchery of portions of Central Park, Druid Hills or Belle Isle, to clean the litter out of Washington Park, give a building a facelift in Balboa Park, plant a tree in Golden Gate Park or put a gardener in Prospect Park.

With the development of this continent, the Olmsted heritage is of greater value than ever before. The landscapes are a living legacy, in need of timely care. The hand of history should guide their restoration, not prevent it. It will require money - new money - not funds transferred from equally worthy programs. The quality of our Olmsted heritage could be vastly improved if this legislation were rewritten as a mandate for the rehabilitation of these landscapes, so that something can really be done for them.

Sincerely,

John Holtzclaw, Chairman
Urban Environment Committee

Amy Meyer, Member
Urban Environment Committee

REVITALIZING URBAN PARKS

It's Time to Restore Our Older City Parks

AMY MEYER

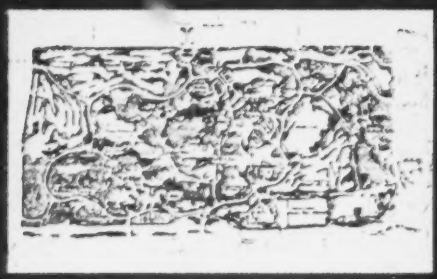
WASHINGTON PARK, CHICAGO
Olmsted, Vaux & Co. designed Washington Park as part of Chicago's South Park system. The plan overcame the disadvantages of a flat prairie site and created a unified pastoral landscape that provided for recreation ranging from archery to boating and exemplified Olmsted's broadly democratic social vision. (Ira Berke)

DURING THE LATE NINETEENTH CENTURY and the early years of the twentieth, many growing American cities set aside large areas of land for grand parks. South Park (Chicago), Belle Isle (Detroit), Central Park (New York) and Balboa Park (San Diego) are some of the best-known names that come to mind. These parks preserved natural areas that are now surrounded for the most part by urban development. The preeminent designer of these great areas was Frederic Law Olmsted (1822-1903), with a host of partners, students, and natural and spiritual descendants.

The ornamental horticulture of these parks sometimes developed gracefully from the natural attributes of beloved wild scenes, or was painstakingly designed and cultivated under inhospitable circumstances. (Much of San Francisco's Golden Gate Park, for example, was formerly bleak sand dunes.) However different the parks, they shared a social intent: to preserve in the cities a sense of nature, with their ponds and meadows to be available for the picnics of those who toiled in factories and offices as well as for the carriage races of the wealthy.

The use and abuse by several generations have taken their toll on these parks. Though endangered because of age and inadequate maintenance, they continue to meet some of the needs of their communities for open space and recreation. They are also regional assets and tourist attractions.

The Olmsted-era parks may well be the crowning achievement of the recreation and park movement at the municipal level. All of these parks would benefit from improved irrigation, reforestation, restoration of historic buildings, reduction of automobile traffic, protective lighting and elimination of nonconforming uses. But for these things to happen, long-range policies for the management and preservation of the parks must be developed. □



FOREST PARK, ST. LOUIS
The 1200 acres of Forest Park were first planned in 1874. In 1980, a plan was begun to update the park to accommodate changes both in its physical environment and in the ways it is used. The draft plan incorporates improvements that will enhance visitors' enjoyment of the park. (Team Four)

FOREST PARK, ST. LOUIS
Many of Forest Park's lagoons, ponds and pools are affected by eutrophication, which occurs when a body of water becomes overly rich in dissolved nutrients and uncontrolled (and ugly) growth of aquatic plants results. (James Pona)

OVERTON PARK, MEMPHIS
Attempts to build Interstate I-40 through Overton Park in Memphis have been thwarted by the determined efforts of conservationists. Landscaping has done little to alter the natural topography, drainage patterns and ecological balance of the park, which ranks as one of the world's great urban forests. (Arlo I. Smith)

GOLDEN GATE PARK, SAN FRANCISCO
San Francisco's Golden Gate Park was developed on sand dunes during the late nineteenth century. Today, however, many trees are long past maturity. This overaged Monterey Pine fell into Lloyd Lake during a storm. A program of tree replacement was begun recently, but federal funding for the project has dried up. (Robin Lew)

PROSPECT PARK, BROOKLYN
The Lake, Prospect Park. Olmsted envisioned a staff of 600 gardeners tending the park's sylvan scene. Today there are 30 year-round gardeners. Litter and vandalism are the most visible problems. (Paul C. Berizzi)

PROSPECT PARK, BROOKLYN
What's wrong with this scene? This photograph shows a common problem. In many forested areas, ground cover and understory have been removed – sometimes deliberately, for security reasons, but more often by heavy foot traffic. The loss of vegetation causes erosion, which exposes the root systems of larger trees. Such areas often lack young trees, and the natural-looking but artificially maintained landscape will eventually deteriorate without a reforestation program. (Paul C. Berizzi)

GOLDEN GATE PARK, SAN FRANCISCO. Arbor Day, 1982, in Golden Gate Park. These young people are helping a reforestation crew in a tree-planting workshop. The goal of the program is to ensure a continuing mix of young, medium and old growth in the park's forests. (Joel Robinson)

BALBOA PARK, SAN DIEGO. San Diego's Balboa Park has 10 million visitors annually. The California Building, a city landmark, was erected for the 1915-1916 Exposition, and is in relatively good condition after a recent facelift. However, nearly every other park structure awaits renovation and reconstruction. (Phillip Hinks/City of San Diego)

CITY PARK, DENVER. A jogger in Denver's City Park enjoys his inheritance of open space. Given enlightened park management — and adequate funding — so will his descendants. (Stewart M. Green/Tom Stack & Associates)

Amy Meyer is vice-president of San Francisco's Recreation and Park Commission.

The City of New York
Department of Parks and Recreation

Henry J. Stern
Commissioner

Tupper W. Thomas
Administrator of Prospect Park

May 31, 1984

Honorable Malcolm Wallop, Chairman
Subcommittee on Public Lands and
Reserved Waters
Committee on Energy and Natural Resources
Dirksen Building
Washington, D. C. 20510

Dear Senator Wallop:

I urge you and the members of your Committee to support S 2082, The "Olmsted Historic Landscape Act." This important legislation will help preserve and protect the work of one of America's most prolific and influential public park creators. Each year Olmsted parks provide relaxation and pleasure to tens of millions of citizens and have done so for over a century. While not as well known as many other great American artists, the works of Frederick Law Olmsted and his successors are no less valuable to our national heritage. I know I speak for the 4.5 million Prospect Park users and many more millions nationally in urging you to protect this legacy to insure its enjoyment for generations to come. This can be accomplished with little or no cost to the taxpayer while it insures the vitality of these invaluable resources into the next century.

Sincerely yours,

Tupper Thomas

Tupper Thomas
Prospect Park Administrator

cc: Hon. Daniel P. Moynihan
Hon. Alphonse D'Amato

Testimony of

Michael L. Ainslie
President

of the

National Trust for Historic Preservation

Mr. Chairman and Members of the Subcommittee, I am Michael Ainslie, President of the National Trust for Historic Preservation. I am pleased to testify in support of S. 2082, the "Olmsted Historic Landscapes Act."

This legislation is significant in declaring that it shall be national policy to "identify, commemorate, and preserve" the contributions of America's foremost landscape architect, Frederick Law Olmsted, Sr., the founder of the profession of landscape architecture in the United States and a man whose talents and activities extended to the fields of history, civil engineering, horticulture, forestry, writing and publishing, and public administration. Commemorating and protecting the historic landscapes of Olmsted, his firm, and associates, including such architects as Calvert Vaux and Warren Manning, is an important step in encouraging the preservation of America's historic and cultural designed landscapes.

Further, we endorse S. 2082, and its companion bill in the House, H.R. 4356, in the recognition it accords the contributions of other leading landscape architects by requiring that the Department of the Interior conduct a thematic study of historic landscapes to identify sites, other than Olmsted landscapes, which might qualify as national historic landmarks and require special funding and/or protections.

Historic preservation is concerned not only about buildings, sites and districts but also about the larger context, the historical setting of a place as well as its physical structure. The unity of architecture and nature as expressed on a small scale by the inseparability of the historic significance of a house and its grounds is integral to the understanding of our national heritage. Gardens and landscaped parks, which demonstrate the evolution of landscape history and architecture, are examples of this unity. So important have some land sites become to our understanding of a particular period in history, that historic gardens and landscapes have been reconstructed through extensive field archeologic and historical research at such well-known sites as Colonial Williamsburg, Mount Vernon, the Ramble in Olmsted's Central Park and at restorations of other Olmsted parks throughout the country.

The physical coherence of an estate and its setting is demonstrated by an approach to building that complements the qualities of the surrounding landscape. Whether formal or informal, large or small, urban or rural, the gardens and landscapes that are part of the properties of the National Trust are used in the interpretation and preservation of these properties, such as Lyndhurst, our property in Tarrytown, New York, and Belle Grove, a Trust-owned working farm. Each reflects and complements some aspect of the house and its history, and the way of life of the occupants and their feeling for the place that was their home.

Frederick Law Olmsted, Sr. recognized the unity between man's built environment and the natural world. Olmsted was commissioned to address the most significant landscape sites in the Nation's Capital. These include a landscape plan for the U.S. Capitol, which created the landscaped terraces and grounds of the West Front (1874), the development of Lafayette Square, the National Zoo (1887-93) and Gallaudet College, beginning in 1866.

In his urban parks, the most famous of which is Central Park in New York City, Olmsted sought to provide a place of calm and picturesque beauty for the city dweller, regardless of class. This purpose is no less important today at the public park sites designed by Olmsted and found in at least 150 cities in northern America, including South Park (1871) and Jackson Park (1895) in Chicago, Belle Isle Park in Detroit (1882-1883), and the park system of Pawtucket, Rhode Island (1888). His campus plans remain for the students of today to enjoy. They include Cornell University (1866), Amherst College (1870-85), Yale University (1874), Johns Hopkins University (1874-76), Smith College (1885), Stanford University (1886-89) and many others. His development of a planned community at Riverside, Illinois (1868-69), a suburb of Chicago, and his plan for Tarrytown, New York (1871-72), and other subdivisions influenced the Garden City movement and the new towns of today. The vast number of landscape plans for other projects, including estates, hospitals, cemeteries, public buildings and his work in urban and regional design, adds to the legacy which we honor and enjoy today.

In the many cities with Olmsted landscapes, there has been a reawakening of interest in the important role of these parks and landscapes in making these cities both attractive and liveable. Through the dedicated activity of volunteers across the nation, some park sites have been cleaned, original landscape designs have been restored, and ongoing maintenance procedures have been established.

In some communities, however, the fate of these historic areas is in doubt and the threat to these historic landscape sites is real. Declining revenues and the increasing demands on ever-tightening municipal budgets have meant diminished maintenance of urban parks and fewer resources for the purchase of new trees and plant materials. Additionally, the construction of public facilities threatens to encroach upon these open spaces. The National Trust has sought to avert such threats. For example, we supported community groups in Atlanta in resisting the taking of land in the Olmsted-designed Druid Hills Park (1890) for a parkway. We also provided assistance to the citizens in Sudbrook, Maryland in their legal challenge to the extension of the Baltimore rapid transit system through Sudbrook Park (1899), one of only three complete suburban villages designed by Frederick Law Olmsted, Sr. Here a compromise was realized and a portion of the Metro will be tunneled at the entranceway of the park, although the subway will be heard and seen from the historic district.

The United States has yet to give adequate recognition in national policy to designed historic landscapes as cultural assets. No specialized criteria or forms exist for the evaluation of historic landscapes for nomination to the National Register of Historic Places, although an intention to develop them was announced. This legislation addresses these needs.

The first step in preservation is the preparation of an inventory of resources and the establishment of priorities for protection as this bill recommends. The "Olmsted Historic Landscape Act" calls for the creation of an Olmsted historic landscape system, based on a phased inventory of Olmsted historic landscapes supervised by the National Park Service. Fortunately, this inventory can build on work already undertaken by the National Association for Olmsted Parks, the Historic Preservation Committee of the

American Society of Landscape Architects, and state and local organizations active in identifying and preserving Olmsted's work and other landscape designs, enabling the National Park Service to form a unique partnership in the coordination of the efforts of the states, cities and private organizations already interested in the Olmsted landscape. In at least three states, Massachusetts, New York and Illinois, such inventories are already underway. In Massachusetts, a significant commitment to the effort has been made by the state government to the effort. The City of Chicago has begun an inventory of its system of historic parks. The national inventory must use, to the maximum extent feasible, data that already exists. To that end, the proposed legislation mandates the involvement of both the state historic preservation and outdoor recreation officers in the effort. All properties of potential national significance shall be studied for possible designation as national landmarks, for inclusion in the World Heritage List, and/or eligibility for listing in the National Register of Historic Places.

This bill also requires the development of general standards for the preservation of those important landscapes with specific cultural associations. For each historic Olmsted landscape inventoried under the provisions of the proposed legislation, specific criteria for preservation of the landscape must be included. The development of such standards has never been done before and is extremely important to the protection and preservation of these sites. In addition, the legislation proposes a commemorative decade, between 1985 and 1995, during which the National Park Service will take the lead in the development of appropriate international activities and domestic programs including a symposium, program activities at the Frederick Law Olmsted National Historic Site, Fairsted, in Brookline, Massachusetts, an exhibit and film, and support to state and local commemorative initiatives which might be undertaken.

We support the continuation of the spirit of current volunteer initiatives by the creation of the nine member citizen's Advisory Committee on Historic Landscapes to assist in developing the priorities and standards for the identification, evaluation and restoration of Olmsted landscapes and to develop the maximum public participation called for in S. 2082.

The National Trust for Historic Preservation vigorously supports the goals of this legislation and stands ready to assist in the passage of S. 2082. We believe that this legislation is critical as a catalyst to recognize and act upon the need to protect this country's historic landscapes. We look forward to working with the Subcommittee as this bill travels through the legislative process and thank you for the opportunity to present our views.

WRITTEN STATEMENT BY

SOOKY GOLDMAN, FOUNDING PRESIDENT
WILLIAM O. DOUGLAS OUTDOOR CLASSROOM
SANTA MONICA MOUNTAIN NATIONAL RECREATION AREA
LOS ANGELES, CALIFORNIA

"All who love the wilderness for the spiritual value it represents, must now close ranks if we are to have even small islands of it to bequeth to those who are to follow."

William O. Douglas

The William O. Douglas Outdoor Classroom is a private, not-for-profit, educational organization whose program is to provide for elementary through high school students experiential learning in an outdoor laboratory. Progam emphases will be on specific issues identified as particularly important to the effort to protect and to encourage the successful.interdependence of the natural and human ecosystems of the Southern California region. Specific issues include focus on the role of water in the chapparal ecosystem and the historical/cultural impacts of water use on the Los Angeles Community; study of the chaparral, riparian and oak-grassland communities in the Santa Monica Mountains. Additional strategies would be presented so that students would take material learned and experience gained in the Outdoor Classroom back to homes and to schools where practical solutions to conservation problems might be implemented.

The William O. Douglas Outdoor Classroom, better known as WODOC was founded in 1977 and started its program in 1981 on a pocket wilderness on Department of Water and Power land. Trails

were developed, docents trained, and an effective program carried out. Buses bringing students from all over Los Angeles county as part of the school instructional day.

WODOC is now engaged in planting an urban forest -- a $135,000.00 grant from the California Department of Forestry. This will be a practical showcase for all to visit, observe and help plant these drought-resistant shrubs, trees, succulents and native flowering plants.

This area has already been granted official wildlife sanctuary status by California Department of Fish and Game. The upper Franklin Canyon Lake Reservoir is now being planned for an important Waterfowl Refuge and feeding area, along the Pacific COast Flyway Migratory Route. This is an important link for the flyway as migratory waterfowl vitally need this rest and feeding stop half-way between the lakes of Upper Ventura County and the Carlsbad Refuge down the coast in San Diego County.

The burgeoning megalopolis has practically devoured any other stops. A Pond Study Curriculum, already funded, is being developed to use along with an observation Look-out for Waterfowl studies by school age boys and girls as well as independent families. Two high powered telescopes have already been donated for this project. We are planning to provide educational experiences to over 10,000 students and their teachers during this current school year.

WODOC, an all-volunteer program, except for one salaried employee, as Program Coordinator, has 38 professionally trained and experienced docents. Two additional docent trainings will be underway in the Fall and Spring. University researchers and high school interns will also be participating in our programs. This virgin canyon area is surrounded by four million people. 40 Neighborhood Hillside Canyon Area Homeowner Groups join with us in support of this Berman Bill H.R. 3331. The Beverly Hills Unified School District, and the Los Angeles Unified School Districts will also be supporting this bill. Governor Deukmejian has also been asked to send his letter of support to Congressman John Seiberling. The Department of the Interior, the California Legislature, and the Supervisors of the County of Los Angeles have all given awards and commendations to WODOC for our all-volunteer programs. Passage now of H.R. 3331 will further increase the opportunity for study of Outdoor Science and Conservation. The addition of these 30 crucial acres to be exchanged by the Dept. of Water and Power and the National Park Service will make all the difference in our ability to preserve these vital programs. The parking area, the reservoir, and the entry to the site from the south are absolutely vital. We will be bridging the final link in the cross mountain park of the Santa Monica National Recreation Area.

37-843 O - 84 - 18

STATEMENT OF THE NATIONAL PONY EXPRESS ASSOCIATION

Mr. Chairman, the National Pony Express Association is a non-profit organization that works to re-establish, identify, re-ride and preserve the historic Pony Express Trail. The greatest and most powerful challenge of our organization today is to endeavor to have the original Pony Express Trail recognized and protected as provided by the National Trails Systems Act. Naturally, we are fully supportive of current legislative proposals that would authorize a feasibility study of the Pony Express Trail as a National Historic Trail.

The Pony Express was born in 1860 when the industrious William Russell, of the freighting firm of Russell, Majors, and Waddell formed the privately funded Central Overland California and Pike's Peak Express Company. They quickly collected good horse flesh, built a system of relay stations and recruited young riders. The first employee notice appeared in March of 1860 and ran:

> "Wanted: Young, skinny, wiry fellows, not over 18. Must be expert riders, willing to risk death daily. Orphans preferred. Wages $25.00 per week."

Before being hired, the riders had to swear on a Bible that they would refrain from "cussing," fighting, drinking or abusing their animals. Starting on April 3, 1860, the Pony Express ran for nearly 2000 miles in both directions between the eastern railhead in St. Joseph, Missouri, and a waiting steamer at the K Street Landing in Sacramento, California. The famous relay system terminated eighteen months later on October 26, 1981, when the first transcontinental telegraph system was completed.

The Pony Express quickly became the speediest living transportation system in world history-- effectively communicating Eastern news to the isolated California frontier in about 10 days. Prior to the Pony Express, this isolation was keenly felt. For example, in 1853, Los Angeles learned that California had been admitted to the Union six weeks after the fact. The route also played a pivotal role in aligning California with the Union during the Civil War. Although wires and Morse code soon replaced mail bags, the echos of the Pony Express spirit can never be stilled. Pony Express spirit has come to symbolize the bold imagination, the daring enterprise and the boundless courage which is the highest expression of the American character.

Today, the most important requirement for a Pony Express rider is this same spirit. Every year since the Cenntennial Anniversary of the Pony Express in 1960, when the trail was re-marked by the government and commemorated by the U.S. Postal Service, the present day Pony Express riders have carried educational and commemorative letters on the original trail through the states of California, Nevada, Utah, Wyoming, Colorado, Nebraska, Kansas and Missouri. Present day riders must also abide by the original Pony Express Oath. While it is hard to describe what makes us do this, we certainly feel very strongly about our heritage, and are thrilled by what the courageous young riders accomplished and stood for 125 years ago. Two years ago, one of our members from Virginia came out West on his honeymoon so that he wouldn't miss the reride.

In organizing our present-day route, we have made every attempt to accurately locate the original Pony Express Trail-- this is not

something being pulled from thin air. Moreover, we are currently developing a detailed description of every single Pony Express mile (a general map is attached). The Trail exists and is being used by hikers, horsemen, and in many instances can be followed in a motor vehicle. Also, the Bureau of Land Management has already published complete studies of the historic Pony Express Trail in Nevada and Utah-- including geographic locations of the relay stations. In addition, almost half of the Pony Express Trail parallels the designated Oregon Historic Trail. Certainly, the feasibility study would be greatly accelerated by the use of existing federal records.

Of note to the Subcommittee is our cooperation with the U.S. Forest Service, the BLM, local entities and private landowners. In California, for example, we have 144 miles of Pony Express Trail. The major portion (84 miles) is along public roadways and open to the use of the public. 54 miles are on Forest Service land and only two miles are located on private land. We have an agreement with the Forest Service to adopt portions of the Trail by maintaining them and using them. A local county Board of Supervisors unanimously voted to support the designation of a National Pony Express Historic Trail through their county, and we have agreements with private landowners which allow us to use the Trail on their property. We also have letters of cooperation with the BLM in Utah and Nevada. In addition, we are repairing and refurbishing signs that the BLM installed through volunteer funds and volunteer labor.

We want to make it very clear that the use and protection of the Pony Express Trail does not restrict resource development such as energy exploration and grazing rights or infringe upon a landowner's use of private property. For example, in Nevada, Exxon has planned a

$400 million molybdenum mine near the Pony Express route. They have been very cooperative in allowing us to adjust our trail slightly to accomodate the tailings from the mine. The private property over which the Trail does pass is estimated at less than two percent of the entire Trail. Nearly all landowners agree to let us cross their property.

In conclusion, we are quite grateful for this Subcommittee's attention to this matter, and will be glad to answer any questions in writing or over the telephone. We commend the efforts of Congressman Shumway and Senator Cranston for their work on behalf of this important cause. We support the House-passed bill, H.R. 3787.

OFFICERS OF THE NATIONAL PONY EXPRESS ASSOCIATION

National Pony Express Association
P.O. Box 518
Gardnerville, NV

National President

Mr. William B. Arant, Gardnerville, NV (702) 782-8341

National Trails Coordinator

Mr. Malcolm McFarland, Placerville, CA (916) 644-2932

National Re-ride Coordinator

Mr. Paul Melee, Citrus Heights, CA (916) 969-8900

NATIONAL PONY EXPRESS ASSOCIATION
TRAIL MAP

CALIFORNIA

NEVADA

UTAH

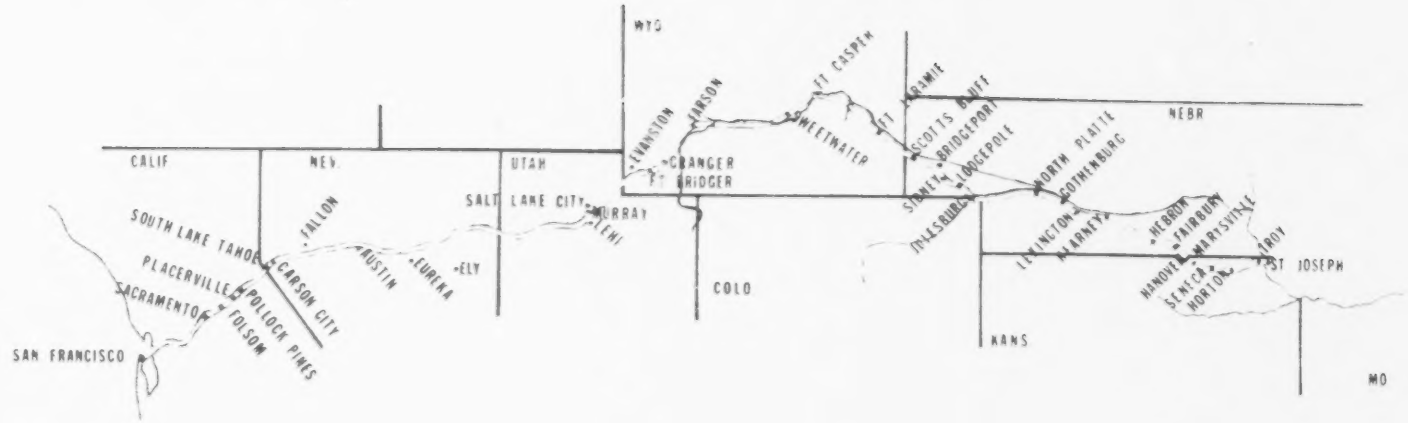
WYOMING

NEBRASKA

COLORADO

KANSAS

MISSOURI



May 1984

New Mexico State University

College Ranch

The College Ranch of New Mexico State University has been in continuous use since 1927 when it was granted to the University by the 69th Congress for the purpose of conducting educational, demonstrative and experimental development with livestock, grazing methods, and range forage plants.

In addition to research, the ranch is used by a number of academic departments within the institution for educational and scientific problems, and the ranch has also hosted dignitaries from other countries, civic groups, visiting scientists, personnel from land-management agencies, and students from other universities.

Some of the more significant research projects extant are listed below:

(1) Long-term ecological research
(2) Anti-desertification projects
(3) Cross breeding of cattle and adaptation to arid environments
(4) Production and use of Angora and Spanish goats as biological control agents on brush
(5) Grazing systems: Using different seasons of cattle grazing to improve rangelands
(6) Competition for forage between small herbivores and cattle
(7) Control of brush species using herbicides to improve rangeland production
(8) Testing the efficacy of new herbicides
(9) Testing new products to improve livestock production
(10) Potential of developing a research program using geothermal heat or water for food and forage production

Within the original college land-grant were 6,357.75 acres of lands belonging to the State of New Mexico. These were granted for University use concurrently with the federal grant. In 1974, the State traded those lands with the Federal government for other federal lands located elsewhere in New Mexico. Through administrative error, the request to cause these 6,000+ acres to be granted to NMSU was never initiated although the University continued to use the lands under the tacit approval of the Bureau of Land Management.

The purpose of this legislation is to correct the aforesaid administrative error.

The presence and use of the College Ranch have enabled educators and scientists to expand our knowledge of arid grazing lands and the animals that live upon them, benefit the livestock and related industries through better conservation and grazing practices, and increase the production of foodstuffs and related items to the benefit of humanity. The continued use of the College Ranch is vital to the programs of New Mexico's land-grant university.

cc: Dean Pope
Dr. Reldon Beck
Dr. Bill Stephens
E. J. Waid

Utah Chapter
American Society of Landscape Architects

12 June 1984

The Honorable James A. McClure
Chairman, Senate Committee on Energy and Natural Resources
U. S. Senate
Washington, D.C. 20510

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
JUN 15 1984
WASHINGTON, D.C. 20510

Dear Sir:

On behalf of the Utah Chapter of the American Society of Landscape Architects, I would like to express our interest in the Olmsted Historic Landscapes Act and urge you to vote favorably when the legislation is presented.

As a profession, we have had the opportunity to study our historic, cultural, and traditional landscape forms. Here in Utah, we can recognize very strong cultural landscapes which are an important part of the early Pioneer settlements and heritage in our state. The Olmsted Historic Landscapes Act would provide the opportunity to evaluate and recognize these unique landscape traditions and would provide added interest in their preservation.

Landscape architects have long recognized the significant and dynamic interaction that man has enjoyed with his environment. These interactions have been recorded on the land in the form of gardens, parks, parkways, farms and farm communities, irrigation canals, cemeteries, and in countless other forms. All of these demonstrate a positive relationship and a senstive understanding of our environment, and are examples of good stewardship. We believe sincerely, that these examples deserve and require recognition and preservation, and urge you to take these views into consideration as you vote on S. 2082.

Respectfully and sincerely,

Jan Striefel

Utah Chapter, ASLA
Jan Striefel, President

ASLA • Utah Chapter Post Office Box 510081 Salt Lake City, Utah 84151

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NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

Suite 500
1522 K Street, N.W.
Washington, D.C. 20005
(202) 783-3163

13 June 1984

The Honorable Malcolm Wallop
Chairman
Subcommittee on Public Lands &
Reserved Water
U.S. Senate
Washington, D.C. 20510

Attn: Tony Bevinetto RE: S. 2082

Dear Mr. Chairman:

The National Conference is pleased to transmit the following resolution concerning S. 2082, the Olmsted Historic Landscapes Act:

> WHEREAS, the work of Frederick Law Olmsted and his associates and successors has had a profound and lasting impact on landscape design and environmental planning in this country, and
>
> WHEREAS, many of the Olmsted firm designs are threatened by lack of identification, evaluation, and insensitive contemporary planning, and
>
> WHEREAS, the period of 1985-1995 marks the centennial of the Olmsted firm's most prolific period, and
>
> WHEREAS, both the National Association for Olmsted Parks and the American Society of Landscape Architects have urged national leadership in the recognition and protection of the Olmsted legacies,
>
> NOW, THEREFORE, be it resolved that the National Conference of State Historic Preservation Officers support the spirit and intent of the proposed Olmsted Historic Landscapes Act, H.R. 4356 and S. 2082, introduced by Congressman Seiberling (D-Ohio) and Senator Moynihan (D-New York) on 10 November 1983.

The resolution was adopted unanimously by the Conference on 3 June 1984 during its annual meeting in Washington, D.C.

The Conference will be happy to assist in carrying out the provisions of the legislation as it pertains to State historic preservation programs, and to work cooperatively with the National Park Service, the Advisory Council on Historic Preservation, and private preservation organizations.

The proposed legislation has the advantage of focusing attention and effort on a fragile and threatened resource which, relative to other

resource categories, is less well-defined and appreciated by the general public. In addition, recognizing that the National Park Service is currently burdened just as are State programs by shrinking budgets and growing public demands upon the program, the bill wisely avoids requiring a major new program, but rather a temporary redirection of emphasis and expanded technical assistance. The Olmsted legacy is truly national in scope and significance, and there is no entity better qualified than the National Park Service to carry out the national overview and analysis which is appropriate for this kind of historic property. The type of technical assistance and guidance produced by the Park Service (such as in its very successful "Preservation Briefs" series) can also be of great benefit to those engaged in saving historic landscapes.

Although the National Conference supports the objectives of S. 2082, it also has some reservations about the approach taken in the bill. The national historic preservation program is founded upon a commitment to identify, evaluate, and protect significant properties from all categories and all periods. While it may be appropriate at times to single out a particular resource category for attention, as was done with maritime properties, this approach should not become the rule. What is needed most is continuing steady support for the overall national program.

With the above considerations in mind, care should be taken not to create a situation where existing funding for State historic preservation programs is diverted or restricted for a single resource category, especially at the current level of funding. If funding is required to carry out the purposes of the proposed legislation, it should be treated as an addition to the current program.

Thank you for this opportunity to comment.

Sincerely,

Eric Hertfelder
Executive Director

cc: Senator Patrick Moynihan
attn: Greg Maxwell

Senator Bennett Johnston
attn: Tom Williams

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